FINDINGS OF FACT

FOR THE

SAN LUIS OBISPO COUNTY
RENEWABLE ENERGY STREAMLINING PROGRAM
FINAL ENVIRONMENTAL IMPACT REPORT

State Clearinghouse No. 2014041090

Prepared for:

COUNTY OF SAN LUIS OBISPO
976 OSOS STREET, ROOM 200
SAN LUIS OBISPO, CA 93408

Prepared by:

PMC

In association with:

ASPEN ENVIRONMENTAL GROUP

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1.0 INTRODUCTION

1.1 ORGANIZATION OF CEQA FINDINGS OF FACT

The content and format of these Findings of Fact (Findings) are designed to meet the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Final Environmental Impact Report (EIR) for the Renewable Energy Streamlining Program (Program; RESP) identified significant environmental impacts that will result from implementation of the RESP. In accordance with CEQA and the CEQA Guidelines, the County adopts these Findings of Fact as part of the certification of the Final EIR for the proposed Program. Pursuant to Public Resources Code Section 21082.1(c)(3), the County of San Luis Obispo (County) also finds that the Final EIR reflects the County's independent judgment as the lead agency for the proposed project.

The Findings of Fact are organized into the following sections:

- **Section 1.0, Introduction,** outlines the organization of this document and identifies the location and custodian of the record of proceedings.

- **Section 2.0, Environmental Setting and Project Description,** describes the location and characteristics of the affected area, program overview, program objectives and benefits, and required permits and approvals for the program.

- **Section 3.0, CEQA Review and Public Participation,** describes the steps the County has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the EIR.

- **Section 4.0, Insignificant Effects,** provides a summary of those environmental issue areas that bear little relation to the proposed Program and effects were determined to be insignificant.

- **Section 5.0, Beneficial Impacts (Class IV)**, provides a summary of those environmental issue areas where beneficial effects will result.

- **Section 6.0, Less Than Significant Environmental Impacts (Class III),** provides a summary of insignificant impacts and a finding adopting the EIR's conclusions of insignificance.

- **Section 7.0, Less Than Significant Environmental Impacts with Mitigation Incorporated (Class II),** identifies that there are no Class II impacts identified in the EIR, as any measures deemed necessary to reduce or avoid an identified impact are proposed to be codified (i.e., included in the County's implementing land use ordinances) as required performance criteria for projects proposed under the Program.

- **Section 8.0, Significant, Unavoidable, and Adverse Environmental Impacts (Class I),** provides a summary of potentially significant environmental effects for which implementation of feasible mitigation measures will not avoid or substantially reduce the environmental effects to less than significant levels.

- **Section 9.0, Feasibility of Project Alternatives,** provides a summary of the alternatives considered for the proposed project.

- **Section 10.0, Long-Term Implications,** provides a summary of the analysis of any potential long-term implications of the proposed project.

- **Section 11.0, Findings on Changes to the EIR and Recirculation,** provides a brief overview of reasons for changes to the EIR and why it is not necessary to recirculate the EIR.

- **Section 12.0, Findings on Mitigation Monitoring and Reporting Program,** provides a brief discussion of the project's compliance with the CEQA Guidelines regarding the adoption of a plan for monitoring and reporting compliance with mitigation measures.

- **Section 13.0, Statement of Overriding Considerations,** provides a statement of the project benefits that outweigh the significant and unavoidable project impact.

1.2 STATUTORY REQUIREMENTS

The California Environmental Quality Act (Public Resources Code Section 21081 et seq.), and particularly the CEQA Guidelines (the Guidelines) (14 California Code of Regulations, Section 15091 et seq.), require:

> *(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*
>
> *1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
>
> *2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
>
> *3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the proposed project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the proposed project lies with another agency (CEQA Guidelines Section 15091(a), (b)).

For those significant effects that cannot be mitigated to a less than significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the significant effects on the environment (Public Resources Code Section 21081(b)). The CEQA Guidelines state in Section 15093: "If the specific economic, legal, social, technological, or other benefits…of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

LOCATION AND CUSTODIAN OF RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings of Fact, the record of proceedings for the proposed project consists of a number of documents and other evidence, including the Notice of Preparation and all other public notices issued by the County in conjunction with the proposed program; the Draft EIR, including all documents included and referenced in the appendices and in references in the Draft EIR; the Final EIR, including all documents included in the appendices and in references in the Final EIR; all written comments and public testimony presented during the public comment period on the Draft EIR; the findings and resolution adopted by the County relative to the certification of the Final EIR; the findings and resolutions adopted by the County in connection with the proposed program and all documents incorporated by reference therein; all final reports, studies, memoranda, maps, staff reports, County reports, and County information packets relating to the proposed project prepared by or at the direction of the County or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA or with respect to the County's actions on the proposed program; all documents submitted to the County by other public agencies or members of the public in connection with the proposed project; the minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the proposed program; any documentary or other evidence submitted to or by the County at such information sessions, public meetings, and public hearings; and any documents cited in these Findings.

The documents and other materials that constitute the record of proceedings are located at 976 Osos Street, Room 200, San Luis Obispo, CA 93408. The County Planning and Building Department is the custodian of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code Section 21081.6(a)(2) and California Code of Regulations Title 14, Section 15091(e).

1.3 CERTIFICATION OF FINAL EIR

Pursuant to CEQA Guidelines Section 15090, the County further finds and certifies that:

a) The Final EIR has been completed in compliance with CEQA.

b) The Final EIR has been presented to the Board of Supervisors of San Luis Obispo County, which constitutes the decision-making body of the lead agency, and the Board has reviewed and considered the information contained in the Final EIR prior to approving the project.

c) The Final EIR reflects the County's independent judgment and analysis.

2.0 ENVIRONMENTAL SETTING AND PROJECT DESCRIPTION

2.1 ENVIRONMENTAL SETTING

San Luis Obispo County is located along California's Central Coast. The county is bounded by the Pacific Ocean to the west, Monterey County to the north, Kern County to the east, and Santa Barbara County to the south. San Luis Obispo County encompasses a total area of 3,616 square miles. Of this total area, 3,304 square miles are land and 311 square miles are water. The county's coastline spans 96 miles.

San Luis Obispo County is physically diverse, ranging from beaches to mountains and valleys. The majority of land in the county is used for agriculture. Most of the county's remaining land is used for rural land uses and open space. Rural land uses are distributed throughout the county. In the county's central area, the southern portion consists of large open space areas. Urban land uses and incorporated cities comprise less than 10 percent of the county's land, including residential, public facility, recreation, commercial, office, or multi-use land uses.

The County has jurisdictional authority over unincorporated, non-federal lands. Of 2,124,248 total acres of land countywide, San Luis Obispo County operates jurisdictional control over 1,470,784 acres of unincorporated land. For purposes of the Program, the project area consists of unincorporated areas under County jurisdiction, exclusive of the Coastal Zone. Approximately 1,049,134 acres of unincorporated land is included in the Program.

2.2 PROJECT DESCRIPTION

Program Overview

The County has prepared a Renewable Energy Streamlining Program (RESP) that is intended to encourage and streamline permitting of certain solar electric facilities (SEF) and wind energy conversion systems (WECS) in the most suitable locations in the unincorporated area of the county. This would be formalized through County ordinance revisions and associated updates to County policies. No specific renewable energy development projects are being proposed or approved as part of RESP adoption.

The Program includes a new Renewable Energy (RE) Combining Designation to identify the most suitable locations for renewable energy development. The existing Section 22.14.010 of the San Luis Obispo County Land Use Ordinance (LUO) defines a combining designation as:

> *Combining designations are used to identify and highlight areas of the county having natural or built features which are sensitive, hazardous, fragile, of cultural or educational value, or of economic value as extractable natural resources. The purpose of combining designation standards is to require project design that will give careful consideration to the land features, structures and activities identified by the combining designations. These standards provide for more detailed project review where necessary to support public safety or proper use of public resources.*

The proposed RE Combining Designation was designed to encompass areas with access to renewable energy infrastructure (transmission and substations) while excluding areas that may result in land use conflicts or otherwise impact natural resources.

The Program also includes revisions to the County's General Plan, LUO, and Williamson Act Rules of Procedure to support siting, review, and permit streamlining of distributed generation renewable energy facilities, including rooftop solar and wind facilities, solar-covered parking lots, and small wind generators. The RESP focuses only on the inland area of the county and does not include the Coastal Zone.

Renewable Energy Combining Designation and Standards

Areas included in the proposed RE Combining Designation are those that are most conducive to streamlining permits for SEFs without any of the following resource issues or characteristics:

- Location within a visual Sensitive Resource Area (SRA)

- Location within certain Highway Corridor Design Standard areas
- Areas covered by conservation easements
- Areas that have been or are intended for preservation for unique biological values
- Parcels in the Recreation (REC) and Open Space (OS) land use categories
- Any areas beyond a 10-mile distance from an existing substation
- Areas with Prime Farmland

The proposed RE Combining Designation identifies areas where renewable energy projects could occur, but not necessarily where they will occur. Provisions of the Program that regulate site characteristics, as well as the requirements of the LUO, will govern the potential for a project in a specific location to qualify for the Program. Section 22.14.100 of the proposed Land Use Ordinance identifies project eligibility characteristics and performance standards. For instance, Section 22.14.100.F requires that biological surveys be prepared and that the avoidance of sensitive species be documented or the project loses eligibility for streamlining.

Revisions to Other Sections of the County LUO

Chapter 22.32 (Electric Generating Facilities) will also be updated to provide development standards and performance criteria for renewable energy technologies proposed throughout the Program boundaries. These revisions include streamlined permit review for certain types of renewable energy facilities and foster greater clarity and transparency in the renewable energy entitlement process. New content in Chapter 22.32 would simplify and standardize the application and entitlement process for all SEFs and WECS countywide, both within and outside of the RE Combining Designation.

For instance, Chapter 22.32 would include new setbacks and development standards for ground-mounted WECS facilities. Updates to Chapter 22.32 and Article 8 would also provide greater certainty for other categories of renewable energy development and reduce barriers to permitting certain renewable energy technologies. The Program also includes changes to clarify the process to determine the level of discretionary permit requirements for renewable energy technologies.

Other ordinance and plan revisions include the following:

- Williamson Act Rules of Procedure: revisions to the allowed uses table to allow electric-generating plants (electricity generation)
- Framework for Planning, Part of I of the Land Use and Circulation Element, as well as the Official Maps: amendments to establish and map the RE Combining Designation
- Article 9 and Article 10 of Title 22, Planning Area Standards and Community Planning Area Standards: revisions to remove prohibitions on electricity-generating uses that would otherwise fall within the RE Combining Designation
- Conservation and Open Space Element (COSE): updates to goals, policies, and glossary to ensure consistency of renewable energy definitions with new distributed generation and technology definitions in Title 22

Summary of Program Streamlining

The types of projects that would become eligible for permit streamlining as a result of the Program are summarized in the table below. Streamlined reviews and approvals would be achieved either through the building permit process, zoning clearance process, or site plan review process, as specified in the table.

PROJECTS ELIGIBLE FOR PERMIT STREAMLINING UNDER THE PROGRAM

Renewable Energy Project Class	Definition and Conditions	Permit Streamlining Afforded
Renewable energy-generating facility as an accessory use	An accessory renewable energy-generating facility that meets the following criteria: • Does not provide energy for sale to off-site uses. • Is not within an area designated open space (OS) or recreation (REC) • Is not within Flood Hazard or Sensitive Resource Area Combining Designation. • Is a ground-mounted facility that is 3 acres or less in area (exclusive of the total parcel area). • Is set back 100 feet or more from any adjacent property or public road. • Is proposed on a parcel with an existing or apparent use or development on the property. • Is not subject to environmentally related permits.	Allowed by Zoning Clearance as described in Chapter 22.32.
Tier 1 SEF, roof- or structure-mounted	Located on the roof or structure of a conforming use.	Allowed with Zoning Clearance as described in Chapter 22.32.
Tier 1 SEF, ground-mounted	A solar electric facility that is 20 acres or less and meets the following: • Proposed on a parcel included in any land use category other than Residential Single Family (RSF), Residential Multi-Family (RMF), or Residential Suburban (RS). • Is ground-mounted. • Is located on land that is graded or disturbed (consistent with Title 22 definitions for "grading" and "site disturbance"). • Is located on land that was previously developed for industrial or commercial purposes and degraded or contaminated and then abandoned or underused. • Is not located on Prime Farmland.	Allowed with Site Plan review as described in Chapter 22.32.
Tier 1 WECS	A wind energy conversion system that is mounted on a roof or structure of a conforming use located in one of the following land use categories: Agriculture (AG); Rural Lands (RL); Residential, Rural (RR); Commercial, Service (CS); Industrial (IND); Open Space (OS); or Public Facilities (PF).	Allowed with Zoning Clearance as described in Chapter 22.32.

Renewable Energy Project Class	Definition and Conditions	Permit Streamlining Afforded
Tier 2 SEF	A solar electric facility that is 40 acres or less in the Renewable Energy Combining Designation and meets the following: • Proposed on a parcel included in any land use category other than Open Space (OS), Recreation (REC), Residential Single Family (RSF), Residential Multi-Family (RMF), or Residential Suburban (RS). • In the Agriculture (AG) land use category, is not sited on any type of Important Agricultural Soils as defined in the Conservation and Open Space Element, unless sited on important Agricultural Soils that are designated solely as Highly Productive Rangeland Soils.	Allowed by Site Plan review as described in Section 22.14.100.
Tier 3 SEF	A solar electric facility that is 160 acres or less in size in the Renewable Energy Combining Designation and meets the following: • Proposed on a parcel included in the Commercial, Service (CS), Industrial (IND), or Agriculture (AG) land use categories (vacant or non-vacant). • In the Agriculture (AG) land use category, is not sited on any type of Important Agricultural Soils as defined in the Conservation and Open Space Element, unless sited on important Agricultural Soils that are designated solely as Highly Productive Rangeland Soils.	Allowed by Site Plan review as described in Section 22.14.100.
Renewable energy-generating facilities on land subject to Land Conservation Act contract (i.e., Williamson Act)	Renewable energy-generating facilities are allowed if they meet the following criteria: • Property must meet and maintain the current eligibility criteria in the Rules of Procedure. • The project area may not exceed 10 percent of total acreage within a land conservation contract. • The project is no more than 10 acres in site area.	Allowed by Site Plan review as described by Rules of Procedure Appendix E6.

2.3 REQUIRED PERMITS AND APPROVALS

As lead agency, the San Luis Obispo County Board of Supervisors will consider adoption of the Program following certification of the EIR. Before adoption, the County is required to make specific findings of fact pursuant to State CEQA Guidelines Sections 15090, 15091, and 15093 regarding the significant environmental impacts of the project, the feasibility of measures to mitigate those impacts, and, if appropriate, a Statement of Overriding Considerations. The Board's action on the Program will be based on consideration of recommendations of the San Luis Obispo County Planning Commission.

To enact the Program, the County would adopt amendments to the following documents:

- Conservation and Open Space Element of the General Plan (Chapter 5 and Glossary)
- Land Use and Circulation Element Part I – Framework for Planning (Inland) (Chapter 7)
- Land Use and Circulation Element Part II – Area Plans
- Land Use and Circulation Element Part III – The Official Maps
- Title 22, Land Use Ordinance (Articles 2, 3, 4, and 8)
- Land Use Permit Application Package
- Williamson Act Rules of Procedure

3.0 CEQA REVIEW AND PUBLIC PARTICIPATION

In accordance with CEQA Guidelines Section 15082, the County prepared a Notice of Preparation (NOP) and distributed the NOP to the State Clearinghouse, responsible agencies, affected agencies, and other interested parties on April 23, 2014. Input provided during the 30-day NOP comment period regarding the scope of the environmental document is included as Appendix 1.0 in the Draft EIR. The NOP public review period began on April 23, 2014, and ended May 28, 2014. Two public scoping meeting sessions were held on April 30, 2014, at the County administration building's Board Chambers.

The Draft EIR, dated November 2014, was prepared following input from the public, responsible agencies, and affected agencies through the Draft EIR scoping process. The EIR was circulated to the responsible and affected agencies using the same distribution list beginning on November 17, 2014, and ending on January 2, 2015.

The County received 10 comment letters in response to the Draft EIR and prepared written responses to the comments that were included in the Final EIR.

4.0 INSIGNIFICANT EFFECTS

Based on the Draft EIR, the Final EIR, and the whole of the record of proceedings, the County finds that the proposed Program will have no environmental impacts for the specific topic areas identified below. (Page numbers in parentheses refer to the Draft EIR, inclusive of revisions contained in the Final EIR, Chapter 3.0 Revisions to the Draft EIR.)

4.1 POPULATION AND HOUSING (P. 3.12-1)

In terms of construction, Tier 3 solar electric facility (SEF) projects would average approximately 40 personnel, while Tier 1 and 2 SEF projects would average fewer personnel depending on the construction schedule and phasing. Construction of wind energy conversion systems (WECS) would require between three and five people per tower. For construction projects of this magnitude and duration, the workforce generally comprises workers that commute to job sites rather than relocate their household to any significant degree. As such, implementation of the Renewable Energy Streamlining Program (RESP; Program) is not anticipated to result in either an in-migration or a relocation of employees to satisfy the need for temporary construction-related employment. Therefore, no increase in temporary population would occur resulting from temporary workers relocating to the immediate area. Additionally, the RESP does not include a residential component that would directly induce new population growth. In fact, during construction of the SEFs and WECs associated with the implementation of the RESP, short-term employment could result in a beneficial impact on the local economy due to an increase in demand for products, services, and supplies found in the county.

4.2 PUBLIC SERVICES (PP. 3.12-1 TO 3.12-2)

Schools and Parks

The RESP does not include the development of residential land uses that would result in an increase in population or student generation. Therefore, construction and operation of the SEFs and WECS facilities would not result in an increase in student population in any school district that would serve the project sites. As such, the proposed projects would have no impact on San Luis Obispo County schools. Similarly, without an increase in population, existing park facilities

would serve the project sites, and the Program would not require additional parks or recreational facilities.

Police and Fire Protection

In addition to the solar electric systems, SEFs can include additional on-site facilities such as electrical substations, while WECS include but are not limited to wind turbines, mounting posts, on-site transmission lines, operations and maintenance buildings, and other accessory structures. However, the projects approved in association with the RESP would require minimal construction and operational staff. As such, adequate police and fire protection services currently exist to serve future sites; therefore, the Program would not result in the need for additional police and fire personnel or facilities.

Wastewater

SEFs and WECS under the Renewable Energy Streamlining Program would generate minimal volume of wastewater during construction and operational phases. Wastewater generated by the operations and maintenance buildings associated with WECS would be minimal and could be treated via on-site septic systems. As a result, SEFs and WECS would not exceed the wastewater treatment requirements of the Central Coast Regional Water Quality Control Board. Additionally, neither the SEFs nor the WECS are anticipated to require new storm drainage facilities because the facilities approved for construction would not generate a significant amount of runoff water during operations. Water from the SEF panels would continue to percolate through the ground, as the majority of surfaces associated with larger SEF projects would remain pervious.

Solid Waste

Waste generation during construction and operation associated with the SEFs and WECS would be minor. Solid waste will be disposed of using locally licensed waste hauling services. The San Luis Obispo Integrated Waste Management Authority operates three landfills in the county: Cold Canyon Landfill, Chicago Grade Landfill, and Paso Robles Landfill. Based on the capacity at these landfills, there is ample capacity throughout the county to receive the minor amount of solid waste generated by SEF and WECS projects. Additionally, during decommissioning, much of the solid material (e.g., concrete and masonry, steel, reflecting mirrors, power cable, pipes, pumps) of the SEF and WECS facilities could be recycled and sold as scrap or used in road building or bank restabilization projects; the remaining nonhazardous waste would be sent to permitted disposal facilities. As such, SEF and WECS facilities would comply with waste reduction and recycling requirements.

4.3 TRANSPORTATION AND TRAFFIC (P. 3.12-3)

Implementation of SEFs and WECS would require a variety of transportation activities over the life of a project. Most of these transportation activities would involve the movement of workers, materials, and equipment to the specific development project site during the construction phase. The types and amounts of materials and equipment would depend on the technology type as well as site-specific characteristics. Construction of renewable energy projects would result in temporary increases in traffic trips on local roads and highways in the vicinity of a proposed renewable energy project site. Construction-related traffic would include worker vehicles and trucks delivering materials and supplies to the specific renewable energy project site. Construction of SEF and WECS facilities would vary in size; however, the size and magnitude projects permitted under the RESP would not result significant impacts on local roadways.

Ongoing operations and maintenance of SEF and WECS facilities would require worker commutes and deliveries of supplies. Accordingly, transportation activities during operations would be limited to a small number of trips by personal vehicles and a few truck shipments. Given the small number of traffic trips generated by operations of solar energy projects, the associated negligible increase in trips on local roadways and highways would not adversely impact the local transportation system or otherwise degrade level of service operations.

5.0 BENEFICIAL EFFECTS (CLASS IV)

Based on the Draft EIR, the Final EIR, and the whole of the record of proceedings, the County finds that the proposed program will result in beneficial effects for the topic areas identified below.

5.1 GREENHOUSE GASES AND CLIMATE CHANGE

Generate Greenhouse Gas Emissions That Exceed Thresholds as Established by the County Air Pollution Control District – Policy Changes (p. 3.7-18)

The implementation of the proposed policy changes to the General Plan would enable streamlined reviews and approvals of SEF and WECS facility projects to be achieved either through the building permit process, zoning clearance process, or site plan review process. These facilities produce emissions-free energy and by their nature do not produce air pollutant emissions. Instead they reduce emissions by decreasing the need for energy from fossil fuel–based power plants, which is considered a beneficial impact regionally and statewide. As shown in Table 3.7-5 of the Draft EIR, predicted mitigated construction-generated emissions would not exceed San Luis Obispo County Air Pollution Control District (SLOAPCD) significance thresholds. When compared to nonrenewable energy plants, the greenhouse gas (GHG) emissions reduction realized by of the use of the potential SEF and WECS facilities allowed by the proposed Program would more than offset the GHG emissions generated by their construction and ongoing operations.

Conflict with Any Applicable Plan, Policy, or Regulation of an Agency Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases – Solar/Wind (p. 3.7-19)

The County's EnergyWise Plan identifies how the County will achieve the GHG emissions reduction target of 15 percent below baseline levels by the year 2020 in addition to other energy efficiency, water conservation, and air quality goals. Specifically, the County's EnergyWise Plan's renewable energy goal is to increase the production of renewable energy from small- and commercial-scale energy installations to account for 10 percent of total local energy by 2020, which as stated in Draft EIR Section 2.0, Project Description, is precisely one of the stated objectives of the proposed Program. Since the RESP proposes to directly implement the EnergyWise Plan's renewable energy goal, it would not conflict with the County EnergyWise Plan.

Conflict with Any Applicable Plan, Policy, or Regulation of an Agency Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases – Policy Changes (p. 3.7-19)

As stated above, the County's EnergyWise Plan's renewable energy goal is to increase the production of renewable energy from small- and commercial-scale energy installations to account for 10 percent of total local energy by 2020, which as stated in Draft EIR Section 2.0, Project Description, is precisely one of the stated objectives of the proposed Program. Since the changes to countywide policies would fulfill the EnergyWise Plan renewable energy goal, it would not conflict with the County's EnergyWise Plan.

6.0 LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS (CLASS III)

Based on the Draft EIR, the Final EIR, and the whole of the record of proceedings, the County finds that the proposed Program will result in less than significant impacts with respect to the topic areas identified below. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

6.1 AESTHETICS AND VISUAL RESOURCES

Have a Substantial Adverse Effect on a Scenic View – Construction (p. 3.1-15)

During construction of ground-mounted SEF projects (Tier 1, 2, or 3), the presence of construction equipment would introduce temporary visual contrast for foreground and near-middleground views. Ground clearing and numerous vehicles/equipment are required to deliver and install the arrays, resulting in movement, dust, and the presence of construction equipment. Temporary structures associated with construction are located within the work site for component assembly and finishing and for project site offices. Since visual impacts from the presence of construction equipment and vehicles are short term, associated impacts are considered less than significant.

Have a Substantial Adverse Effect on a Scenic View – Wind (pp. 3.1-16 through -17)

As discussed and analyzed in the EIR, streamlining of wind projects under the Program would be limited to Tier 1 WECS, which only includes installations mounted on a roof of a structure or conforming use. This scale of wind energy project would not be highly visible because of relatively short vertical tower mounts, small nacelle motors, and short blade lengths. However, to minimize any potential visual impacts, proposed County Code Section 22.32.060.C specifies height limitations of Tier 1 wind energy installations as 10 feet for agricultural, rural, and public facilities and 5 feet for all other land uses. When compared to the overall height and massing of the conforming structure upon which such turbines would be installed, these height standards minimize visual contrast from adjacent viewsheds. Additionally, proposed County Code Section 22.32.060.D.7 requires all wind turbine surfaces to be an unobtrusive color. Adherence to these and all County Code Title 22 requirements ensures Tier 1 WECS projects would result in less than significant (Class III) impacts with respect to creating aesthetically incompatible sites open to public view.

Damage Scenic Resources, Including, but Not Limited to, Trees, Rock Outcroppings, and Historic Buildings Within a Designated Scenic Area – Solar (pp. 3.1-17 through -18)

The RE Combining Designation areas exclude streamlining renewable energy facilities in County-designated visual SRAs; certain Highway Corridor Design Standard areas, including scenic highway corridors; areas covered by conservation easements; and parcels in the Open Space land use category. Since these designated scenic areas are excluded from the Program, no renewable energy facilities would be sited in these areas as a result of the RESP. Additionally, all ground-mounted SEFs would be subject to a Site Plan Review (County Code Section 22.62.040), as well as height limitations to minimize line-of-sight intrusions into any adjacent scenic viewsheds (proposed County Code Section 22.32.050.C). Furthermore, when siting all SEFs, LUO Section 22.32.040.C.4 requires that they not be located in areas containing scenic geologic resources, such as exposed bedrock or rock outcroppings, and also not be located on significant ridgetops.

Damage Scenic Resources, Including, but Not Limited to, Trees, Rock Outcroppings, and Historic Buildings Within a Designated Scenic Area – Wind (p. 3.1-18)

Based on the definitions and conditions identified in Table 2.0-1 of the Draft EIR, Tier 1 WECS projects may be located on scenic lands open to public views. However, these locations would not include those identified above for solar facilities and listed in Draft EIR subsection 2.6. As described above under Threshold 1, adherence to proposed County Code Section 22.32.060.C (height limitations of Tier 1 WECS installations), proposed County Code Section 22.32.060.D.7 (requires all wind turbine surfaces to be an unobtrusive color), and all County Code Title 22 requirements would ensure Tier 1 wind energy projects streamlined by the RESP would result in less than significant (Class III) impacts at scenic sites open to public view.

Damage Scenic Resources, Including, but Not Limited to, Trees, Rock Outcroppings, and Historic Buildings Within a Designated Scenic Area – Policy Changes (p. 3.1-18)

As described above, the County's designated scenic areas are excluded from the proposed Program and no renewable energy facilities would be sited in these areas as a result of the Program. Therefore, less than significant (Class III) impacts from RESP policy changes would occur.

Substantially Degrade the Visual Character of an Area – Wind (p. 3.1-19)

Streamlined Tier 1 WECS would require an already built conforming structure. Such sites would not be within or on undisturbed natural landscape. As described above, adherence to proposed County Code Section 22.32.060.C (height limitations of Tier 1 wind energy installations), Section 22.32.060.D.7 (requires all wind turbine surfaces shall be an unobtrusive color), and all County Code Title 22 requirements would ensure Tier 1 wind energy projects streamlined by the RESP would result in less than significant (Class III) impacts with respect to changing the visual character of an area.

Create a New Source of Substantial Glare or Night Lighting Which May Affect Surrounding Areas – Solar (pp. 3.1-19 through -20)

Structure-mounted Tier 1 SEFs would not result in significant sources of glare or lighting. Given structure-mounted Tier 1 SEF characteristics of height, panel size, and typical angle to receive solar rays, these smaller rooftop installations typically do not reflect glare on adjacent ground receptors. Additionally, Tier 1 rooftop facilities are not expected to require nighttime lighting.

Ground-mounted Tier 1 and all Tier 2 and 3 solar installations have the greatest potential to result in daytime glare and lighting impacts to adjacent receptors. To minimize the impacts of these solar facilities, proposed County Code Section 22.32.050.B specifies minimum setbacks of solar facilities to adjacent parcels. Setback standards will minimize glare intrusion to adjacent receptors. Additionally, proposed County Code Section 22.32.050.D requires that all solar facilities use nonreflective surfaces that minimize glare to the greatest extent feasible; rotating solar facilities must tracking system design and may not create concentrated reflections directed at occupied structures, recreation areas, County-designated SRAs, or roads; and exterior lighting is to be activated by motion sensors, fully shielded, and a downcast type where the light does not spill onto adjacent parcels or illuminate the night sky.

These proposed County Code Title 22 requirements ensure solar energy projects streamlined by the RESP would result in less than significant (Class III) impacts with respect to creating glare or light to surrounding properties.

Create a New Source of Substantial Glare or Night Lighting Which May Affect Surrounding Areas – Wind (p. 3.1-20)

The scale of wind energy projects allowed under the proposed Program would not result in highly reflective surfaces or require nighttime lighting. Proposed County Code Section 22.32.060.D.5.a requires all wind installation materials and surfaces to be nonreflective, and proposed County Code Section 22.32.060.D.7.d requires no lighting, unless required by the Federal Aviation Administration. Adherence to these Title 22 requirements ensures wind energy projects streamlined by the RESP would result in less than significant (Class III) impacts with respect to creating glare or light to surrounding properties.

Create a New Source of Substantial Glare or Night Lighting Which May Affect Surrounding Areas – Policy Changes (p. 3.1-20)

The implementation of policy changes proposed under the RESP would ensure all streamlined solar and wind projects would not generate adverse glare or lighting that could impact surrounding areas. Less than significant (Class III) impacts from RESP policy changes would occur.

Impact Unique Geological or Physical Features – Solar (p. 3.1-20)

Structure-mounted Tier 1 SEFs would not impact unique geological or physical features. Ground-mounted SEFs would not be sited within County-designated SRAs, areas covered by conservation easements, or parcels in the Open Space land use category. Therefore, ground-mounted SEFs proposed under the Program would not impact unique geological or physical features. Less than significant (Class III) impacts would occur.

Impact Unique Geological or Physical Features – Wind (pp. 3.1-20 through -21)

RESP streamlining would be limited to Tier 1 wind projects, which are limited to installations mounted on a roof of a structure or conforming use. Therefore, because these streamlined installations would be located on an existing structure on previously disturbed land, they would not be located on, or result in, changes to unique geological or physical features. The existing County of San Luis Obispo General Plan does not identify any prominent geologic features in the county. Figure 6.5-1 of the Renewable Energy Streamlining Program (RESP) Opportunities and Constraints Technical Study (OCTS) identifies only rock outcroppings throughout the county as geologic features. Some rock outcroppings are located in areas not under County jurisdiction (i.e., Carrizo Plain National Monument). Some of the identified rock outcroppings are located in areas that are identified as Unlikely to Streamline Renewable Energy, while the rest are located in areas that are Potentially Able to Streamline Energy.

Therefore, based on existing information on locations of rock outcroppings and those areas identified as areas with environmental constraints (such as unique geologic features, which includes rock outcroppings), streamlined Tier 1 wind facilities would not be located on or result in changes to or impact views of unique geological or physical features. Less than significant (Class III) impacts would occur.

Impact Unique Geological or Physical Features – Policy Changes (p. 3.1-20)

The implementation of policy changes proposed under the RESP would ensure all streamlined solar and wind projects proposed under the Program would avoid impacts to unique geological or physical features. Less than significant (Class III) impacts from RESP policy changes would occur.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with a substantial adverse effect on a scenic view (construction and wind); impacting scenic resources (i.e., trees, rock outcroppings and historic buildings) within a designated scenic are (solar, wind, and policy changes); degrading the visual character of an area (wind); creating a new source of glare or nighttime lighting (solar, wind, and policy changes); and impacting unique geological or physical features (solar, wind, and policy changes).

6.2 AGRICULTURAL RESOURCES

Convert Important Agricultural Soils to Nonagricultural Use – Wind (pp. 3.2-49 through -50)

Tier 1 WECS must be roof- or structure-mounted and would not convert Important Agricultural Soils to nonagricultural use. Therefore, this impact would less than significant (Class III). Tier 2 WECS projects are subject to the same ground disturbance provisions as Tier 2 SEF projects; however, impacts are likely to be less than for SEF projects. Wind turbines typically occupy a much smaller footprint on the ground than a similarly sized SEF project and can be located so as to minimize impacts to Important Agricultural Soils.

Also, other than the actual footprint of the tower, it is possible to continue farming around the WECS equipment. Tier 2 WECS projects are also subject to discretionary approval through a Minor or Conditional Use Permit (see Table 3.2-5 of the Draft EIR); site-specific provisions regarding conversion of Important Agricultural Soils may apply. As WECS projects occupy much less land area than a similarly sized SEF project, can be located so as to avoid Important Agricultural Soils, and can allow farming around the installation, this impact is considered less than significant (Class III).

Conflict with Existing Zoning for Agricultural Use, or Williamson Act Program – Solar (p. 3.2-51)

As proposed in the Williamson Act Rules of Procedure (RoP), renewable energy projects can be located on active Williamson Act lands provided the renewable energy facility is 10 acres or less in area, maintains current eligibility criteria in the Rules of Procedure, and meets additional standards proposed in Appendix E6 of the RoP for renewable energy facilities. Roof-mounted solar has no impact on an agricultural use. Ground-mounted Tier 1 SEFs in specified land use categories could be allowable with Site Plan review countywide in the unincorporated non-Coastal Zone areas up to 10 acres in size. Ground-mounted Tier 2 and 3 SEF projects meeting the criteria of the RE Combining Designation would be allowable with Site Plan review up to 10 acres in size, but would not eligible for streamlining if proposed on Important Agricultural Soils (with the exception of an allowance on soils designated solely as Highly Productive Rangelands, provided conservation easement requirements are met per proposed standards 22.14.100.E and F). The provisions of the RoP are intended to preserve the Williamson Act contracts. As these provisions of the proposed Program would protect Important Agricultural Soils and ensure that agricultural will continue, the impacts are considered less than significant (Class III).

Conflict with Existing Zoning for Agricultural Use, or Williamson Act Program – Wind (p. 3.2-51)

Tier 1 WECS will be roof-mounted and will not interfere with any Williamson Act contract. Similar to SEF projects, Tier 2 and above WECS projects will be subject to the proposed RoP requirements that limit the location of the equipment and the extent of Williamson Act land that can be affected.

Compliance with the RoP ensures that the proposed Program will not result in the cancellation of a Williamson Act contract. Therefore, this impact would less than significant (Class III).

Conflict with Existing Zoning for Agricultural Use, or Williamson Act Program – Policy Changes (pp. 3.2-51 through -52)

As proposed in the Williamson Act Rules of Procedure (RoP), renewable energy projects can be located on active Williamson Act lands provided the renewable energy facility is 10 acres or less in area, maintains current eligibility criteria in the Rules of Procedure, and meets additional standards proposed in Appendix E6 of the RoP for renewable energy facilities. Roof-mounted solar has no impact on an agricultural use. Ground-mounted Tier 1 SEFs in specified land use categories could be allowable with Site Plan review countywide in the unincorporated non-Coastal Zone areas up to 10 acres in size. Ground-mounted Tier 2 and 3 SEF projects meeting the criteria of the RE Combining Designation would be allowable with Site Plan review up to 10 acres in size, but would not eligible for streamlining if proposed on Important Agricultural Soils (with the exception of an allowance on soils designated solely as Highly Productive Rangelands, provided conservation easement requirements are met per proposed standards 22.14.100.E and F). The provisions of the RoP are intended to preserve the Williamson Act contracts. As these provisions of the proposed Program would protect Important Agricultural Soils and ensure that agricultural will continue, the impacts are considered less than significant (Class III).

Impair Agricultural Use of Other Property or Result in Conversion to Other Uses – Solar (p. 3.2-52)

Typical SEF projects result in at least some ground clearing to allow access and installation of ground-mounted equipment. The vegetation under and around the units must also be managed to reduce fire danger and avoid interference with the SEF units. In some instances, the ground under the units may be kept nearly vegetation free to aid in maintenance, in which case soil stabilizers are typically used to prevent dust since dust diminishes the performance of photovoltaic (PV) panels. In either a vegetated or cleared state, soil (dust) blowing onto adjacent agricultural properties during operation of an SEF would not be of a frequency or degree that would be expected to result in impairment or conversion of the agricultural use. Proposed performance standard 22.32.040.C.4 addresses the potential spread of weeds by requiring preparation of an Integrated Pest Management Plan for ground-mounted renewable energy-generating facilities. The plan would typically include a listing of plantings, herbicides used, and the frequency of use. Implementation of the proposed standards would reduce impacts related to operation of ground facilities to less than significant (Class III).

Impair Agricultural Use of Other Property or Result in Conversion to Other – Wind (p. 3.2-52)

Tier 1 WECS would be roof- or structure-mounted and will not impair the agricultural use of property or result in conversion of an agricultural use to a nonagricultural use. Tier 2 WECS projects are subject to the same requirements of proposed performance standard 22.32.040.C.4 and existing County regulations as SEFs. There are no operational characteristics that would otherwise be expected to result in the impairment or conversion of adjacent agricultural uses. Therefore, this impact would be less than significant (Class III).

Impair Agricultural Use of Other Property or Result in Conversion to Other – Policy Changes (p. 3.2-52)

The proposed Program includes setbacks for equipment that could pose a hazard to crop dusting aircraft, as well as maintenance plans to ensure that invasive weeds do not affect adjacent agricultural uses. There are no policy changes that would otherwise be expected to

result in the impairment or conversion of adjacent agricultural uses. Therefore, this impact would be less than significant (Class III).

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with converting important agricultural soils to nonagricultural uses (wind); conflicting with existing zoning for agricultural use, or Williamson Act program (solar, wind, and policy changes); and impairing agricultural use of other property or resulting in conversion to other uses (solar, wind, and policy changes).

6.3 AIR QUALITY

Violate Any State or Federal Ambient Air Quality Standard, or Exceed Air Quality Emission Thresholds as Established by County Air Pollution Control District – Solar/Wind (pp. 3.3-18 through -23)

Some air pollutant emissions would be generated during the operation of renewable energy facilities from worker trips and equipment usage associated with ongoing operations, maintenance, repair, and security; however, such emissions would be negligible. As stated in Section 2.0, Project Description, of the Draft EIR, it is likely that up to three personnel would be required to service and maintain each Tier 1 SEF, Tier 2 SEF, and Tier 3 SEF facility. This would be comparable to about half the trips expected from one single-family residence, which would be considered a less than significant contribution to air emissions.

As analyzed in the EIR, the total land footprint assumed for development of these projects is 1,500 acres. For the purposes of this analysis, it is assumed that development of these 1,500 acres would occur over a period of 10 years. The projected criteria pollutant emissions resulting from construction activities were estimated using the California Emissions Estimator Model (CalEEMod). Results of the modeling are included in Appendix 3.3 of the Draft EIR.

As shown in Table 3.3-7 of the Draft EIR, construction emissions associated with the greatest amount of disturbance proposed for a single Tier 3 SEF project (160 acres) would not exceed SLOAPCD daily significance thresholds. However, although the largest individual Tier 3 projects may not generate significant short-term emissions, it is possible that several renewable energy projects instigated by the proposed Program would be under construction simultaneously and would generate cumulative construction emissions that could exceed thresholds and impact air quality. Therefore, construction-related air quality impacts generated by implementation of the proposed Program are considered potentially significant.

The SLOAPCD has developed construction Standard Mitigation Measures, including off-site mitigation, which are designed to reduce air pollutant emissions from construction activities and can be applied as necessary to reduce construction impacts below the significance thresholds. The proposed project does not change the current review process that will ensure that all RESP project comply with the SLOAPCD Standard Mitigation Measures. This ensures that all future renewable energy projects instigated by the proposed Program will be mitigated to levels of insignificance in terms of air quality.

Violate Any State or Federal Ambient Air Quality Standard, or Exceed Air Quality Emission Thresholds as Established by County Air Pollution Control District – Policy Changes (p. 3.3-23)

As shown in Table 3.3-7 of the Draft EIR, construction emissions associated with the greatest amount of disturbance proposed for a single Tier 3 SEF project (160 acres) would not exceed SLOAPCD daily significance thresholds. While it is possible that several renewable energy projects instigated by the proposed Program would be under construction simultaneously and would generate cumulative construction emissions that could exceed thresholds and impact air quality, the SLOAPCD has developed construction mitigation measures, including off-site mitigation, which are designed to reduce air pollutant emissions from construction activities and can be applied as necessary to reduce construction impacts below the significance thresholds.

Expose Any Sensitive Receptor to Substantial Air Pollution Concentrations – Solar/Wind (pp. 3.3-24 through -26)

Toxic Air Contaminants

As stated in the Draft EIR, none of the actions proposed as part of the proposed Program would result in a major source of toxic air contaminant concentrations, which include industrial processes (e.g., petroleum refining and chrome-plating operations), commercial operations (e.g., gasoline stations and dry cleaners), and substantial amounts of motor vehicle exhaust (e.g., distribution centers and warehouses). One of the benefits of solar and wind energy is that the production of electricity from these sources involves negligible emissions of air pollutants.

Construction associated with implementation of solar and wind energy projects would result in the generation of diesel particulate matter emissions. The use of diesel-powered construction equipment associated with development of solar and wind energy generation projects would be temporary and episodic and would occur over several locations isolated from one another. Development under the proposed Program would be subject to, and would comply with, Title 13, Section 2449(d)(3) of the California Code of Regulations (California Heavy-Duty Vehicle Idling Emission Reduction Program), which limits idling of diesel-fueled off-road equipment to no more than 5 minutes, which would further reduce nearby sensitive receptors' exposure to temporary and variable diesel particulate matter emissions.

Furthermore, as previously all development projects would be required to comply with SLOAPCD BACT measures requiring the use of Tier 3 and Tier 4 construction equipment that substantially reduce the amount of generated exhaust emissions. In addition, County Code Section 22.52.160, Construction Procedures, establishes measures to address potential impacts to sensitive receptors within 1,000 feet of most construction sites. County Code Section 22.60.050 also calls for APCD review of discretionary development projects.

Future renewable energy projects that would involve diesel-powered construction activity in close proximity to any sensitive receptor would also be required to implement measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions (California Diesel Idling Regulations and Diesel Idling Restrictions Near Sensitive Receptors, both discussed in Draft EIR Section 3.3 Air Quality). For these reasons and because diesel fumes disperse rapidly over relatively short distances, diesel particulate matter generated by construction activities, in and of itself, would not be expected to create conditions where the probability of contracting cancer is greater than 10 in 1 million for nearby receptors, the statewide significance threshold.

Construction and Naturally Occurring Asbestos

The SLOAPCD has identified areas throughout the county where naturally occurring asbestos (NOA) may be present. Construction activities that result in the disturbance of NOA-containing soils can result in the airborne entrainment of asbestos. The California Department of Conservation's *A General Location Guide for Ultramafic Rocks in California-Areas More Likely to Contain Naturally Occurring Asbestos* identifies NOA-containing soils present exclusively in the Coastal Zone of the county, which is not affected by the proposed Program. Furthermore, County Code Section 22.52.160 addresses the potential to encounter NOA during grading by mandating that prior to any grading activities in NOA candidate areas, the project proponent must prepare a geologic evaluation to determine whether NOA is present within the area that will be disturbed.

If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found, the project applicant would be required to comply with the requirements listed in the California Air Resources Board's (CARB's) Asbestos Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These CARB requirements mandate that all construction occurring in an area with NOA-containing soils prepare and submit an Asbestos Dust Mitigation Plan for approval by the local air district. The Asbestos Dust Mitigation Plan must identify asbestos dust mitigation. For these reasons, potential impacts from NOA would be less than significant (Class III).

Construction and Valley Fever

The California Department of Public Health considers San Luis Obispo County a highly endemic area for valley fever. When soil containing this fungus is disturbed by construction activities such as digging or grading, by vehicles raising dust, or by the wind, the fungal spores get into the air. When people breathe the spores into their lungs, they may get valley fever. Fungal spores are small particles that can grow and reproduce in the body. The highest infection period for valley fever occurs during the dry months in California between June and November.

Infection from valley fever during construction can be partially mitigated through the control of construction-generated dust. As noted, construction-generated dust would be controlled by adhering to the mandatory requirements of the SLOAPCD Fugitive Dust Mitigation Measures. In addition, the California Department of Public Health provides recommendations for reducing the potential for valley fever infection during construction activities. The SLOAPCD Fugitive Dust Mitigation Measures are identified under Impact 3-8-2 of Section 3.8, Hazards and Hazardous Materials, in the Draft EIR. This impact is less than significant (Class III).

Expose Any Sensitive Receptor to Substantial Air Pollution Concentrations – Policy Changes (pp. 3.3-26 through -27)

The implementation of the proposed policy changes to the General Plan would enable streamlined reviews and approvals of eligible SEF and WECS projects to be achieved either through the building permit process, zoning clearance process, or site plan review process. As discussed above, although there are pollutant emissions associated with implementation of the Program, they would not be significant. Associated County policy changes would be updated for consistency with the objectives of this streamlining effort. Therefore, impacts are less than significant (Class III).

Create or Subject Individuals to Objectionable Odors – Solar/Wind (p. 3.3-27)

The development allowed under the proposed Program would not result in the installation of any equipment or processes that would be considered major odor emission sources. However, activities associated with construction would involve the use of a variety of gasoline- or diesel-powered equipment that would emit exhaust fumes. While exhaust fumes, particularly diesel exhaust, may be considered objectionable by some people, construction-generated emissions would occur intermittently throughout the workday and would dissipate rapidly with increasing distance from the source. The construction phase is a short-term condition lasting a week to a year depending on the size of the facility. In addition, County Code Section 22.52.160, Construction Procedures, establishes measures to address potential impacts to sensitive receptors within 1,000 feet of most construction sites. As a result, potential exposure of sensitive receptors to odors associated with proposed Program would be considered less than significant (Class III).

Create or Subject Individuals to Objectionable Odors – Policy Changes (p. 3.3-27)

The implementation of the proposed policy changes to the General Plan would enable streamlined reviews and approvals of SEF and WECS facility projects to be achieved either through the building permit process, zoning clearance process, or site plan review process. These facilities would not require any equipment or processes that would be considered major odor emission sources. This impact is less than significant (Class III).

Be Inconsistent with the District's Clean Air Plan – Solar/Wind (pp. 3.3-28 through -32)

Air pollutants emitted into the ambient air of the county are emitted primarily by mobile sources (traffic) during construction and operational activities. While there would be some air pollutant emissions generated during the operations of renewable energy facilities from worker trips and equipment usage associated with ongoing operations, maintenance, repair, and security, such emissions would be negligible due to the limited amount of personnel required to service and maintain each Tier 1 SEF, Tier 2 SEF, and Tier 3 SEF facility.

The SLOAPCD has developed construction mitigation measures, including off-site mitigation, which are designed to reduce air pollutant emissions from construction activities and associated construction worker commutes. For these reasons, future construction of renewable energy facilities under the proposed Program would be less than significant in terms of air quality. In addition, the renewable energy-generating facilities allowed under the proposed Program produce energy that is largely emissions-free. One of the obvious benefits of solar and wind energy is that the production of electricity from these sources involves almost no direct air pollutant emissions, with the exception of negligible emissions from worker trips and equipment usage associated with ongoing operations, maintenance, repair, and security. By nature, these facilities do not produce air pollutant emissions; regionally speaking, they reduce emissions by decreasing the need for energy from fossil fuel–based power plants, which is considered a beneficial impact. For these reasons, the proposed Program would not conflict with or inhibit the Clean Air Plan measures that address state and federal ambient air quality standards. Additionally, Table 3.3-8 in Section 3.3, Air Quality, of the Draft EIR presents a comparison of the proposed Program (SEF facilities and wind energy conversion systems) to the specific Clean Air Plan policy provisions intended to address air quality standards. As shown in Table 3.3-8, the proposed Program would not conflict with the SLOAPCD Clean Air Plan.

SEF and WECS facilities would vary in size; however, the maximum size and magnitude of projects permitted under the RESP (160-acre SEFs maximum) would not result in significant impacts on local roadways. Furthermore, given the small number of traffic trips generated by operations of solar

energy projects, the associated negligible increase in trips on local roadways and highways would not adversely impact the local transportation system or otherwise degrade traffic operations, and thus would not result in the generation of a substantial amount of mobile source air pollutants. Additionally, solar and wind energy facilities produce emissions-free energy and by their nature do not produce air pollutant emissions. Instead they reduce emissions by decreasing the need for energy from fossil fuel–based power plants, which is considered a beneficial impact regionally and statewide. Therefore, this is a less than significant impact (Class III).

Be Inconsistent with the District's Clean Air Plan – Policy Changes (p. 3.3-32)

The implementation of the proposed policy changes to the General Plan would enable streamlined reviews and approvals of SEF and WECS facility projects to be achieved either through the building permit process, zoning clearance process, or site plan review process. These facilities produce energy that is largely emissions-free and by their nature do not produce air pollutant emissions. Instead they reduce emissions by decreasing the need for energy from fossil fuel–based power plants, which is considered a beneficial impact regionally and statewide. Therefore, the proposed Program would not conflict with the SLOAPCD 2001 Clean Air Plan, which is intended to address state and federal air quality standards and ensure that long-term trends in air quality improvements are not disrupted. This is a less than significant (Class III) impact.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with violating any state or federal ambient air quality standard, or exceeding air quality emission thresholds as established by county air pollution control district (solar/wind and policy changes); exposing any sensitive receptor to substantial air pollution concentrations (solar/wind and policy changes); creating or subjecting individuals to objectionable odors (solar/wind and policy changes); and being inconsistent with the district's clean air plan (solar/wind and policy changes).

6.4 BIOLOGICAL RESOURCES

Result in a Loss of Unique or Special-Status Species or Their Habitats – Solar (pp. 3.4-35 through -36)

Section 3.4, Biological Resources, of the Draft EIR discusses several proposed performance standards in the LUO that would significantly reduce any potential avian-related impacts associated with Tier 1 solar projects. As proposed, implementation of roof-mounted Tier 1 SEF solar projects under the RESP would result in impacts that are less than significant (Class III).

Tier 1, 2, and 3 SEFs could be streamlined with implementation of proposed performance standard 22.14.100.F.2, which requires the preparation of a botanical and biological report demonstrating that the project site does not contain sensitive biological resources that would be impacted by the project. For each project, the proponent would submit a biological resources report prepared by a County-approved biologist, which would require a habitat assessment for special-status species.

Direct and indirect impacts to sensitive biological resources in adjacent areas would be avoided through the implementation of proposed development standards. These include setbacks (i.e., buffers) around projects (Development Standard 22.14.100.F.4- 6), a weed management plan to minimize the potential for introduction and spread of invasive weeds (Development Standard 22.32.040.C.4), and only non-invasive species allowed in landscaping. Dust control and the

implementation of other best management practices are required by existing LUO Chapter 22.52. Implementation of these development standards would ensure that the RESP would result in less than significant (Class III) impacts to special-status species or other sensitive biological resources.

Result in a Loss of Unique or Special-Status Species or Their Habitats – Wind (pp. 3.4-36 through -37)

Streamlining of wind projects under the RESP would be limited to Tier 1 wind energy conversion systems (WECS), which are limited to a height of 10 feet above the building for agricultural, rural, and public facilities for a maximum height of 45 feet, and no more than 5 feet above the building for a maximum height of 40 feet for residential and commercial land uses (proposed County Code Section 22.32.060.C). Although special-status species could collide with these facilities, as with SEF projects, the magnitude of these effects is expected to be extremely low. With implementation of proposed development standards, impacts from the construction and operation of Tier 1 WECS would be less than significant (Class III).

Tier 2 and above ground-mounted WECS projects could result in avian mortality due to the size and number of turbines in a close pattern. The siting of WECS projects of this scale requires careful study of bird migration patterns, understanding of local habitat and foraging areas, and identification of the types of bird species likely to frequent the project site. Because this information is site-specific, the RESP requires a site-specific biological report for Tier 2 WECS projects in the combining designation and either a Minor or Conditional Use Permit and accompanying CEQA analysis for projects outside of the combining designation.

If Tier 2 WECS projects within the combining district cannot be designed to result in a less than significant impact (Class III), the project is not eligible for the streamlining program and must proceed under the traditional approval process. The traditional approval process would require independent environmental analysis under CEQA as well as approval of either a Minor or Conditional Use Permit. As designed, this impact is considered less than significant (Class III).

Result in a Loss of Unique or Special-Status Species or Their Habitats – Policy Changes (p. 3.4-37)

The streamlining provisions of the proposed Program only apply to projects that cannot have an impact to biological resources (e.g., mounted on existing buildings) or that can demonstrate that there is no biological impact through a professionally prepared biological study. Nearly every project can have some biological impact; however, in most cases the project will simply be designed to avoid or eliminate the potential impact. This is done frequently with projects where driveways, grading, construction, and operational characteristics can all be intentionally designed to avoid impacting resources. As these changes are both site- and project-specific, there is no way to determine the extent of project design change in this EIR. The proposed Program establishes performance standards that address potential impacts (e.g., LUO 22.14.100.F) and further restrict project locations near wetlands and sensitive habitat by establishing minimum setbacks. Adherence to the proposed RESP would ensure projects would minimize impacts to special-status species and habitat. This impact would be less than significant (Class III).

Reduce the Extent, Diversity, or Quality of Native or Other Important Vegetation – Solar (pp. 3.4-37 through -38)

Tier 1 solar installations would be located on top of existing structures or within developed areas that do not support sensitive biological resources; therefore, implementation of Tier 1 solar projects under the RESP would not result in significant impacts to native or other important

vegetation. Ground-mounted Tier 1 SEF projects must obtain site plan approval that requires preparation of both botanical and biological reports to ensure that the site does not include sensitive species (LUO 22.60.040).

Tier 2 SEF projects within the combining designation could result in projects up to 40 acres in size. The proposed LUO requires that these sites be located in urban areas or in rural areas on sites designated as Commercial Service (CS) or Industrial (IND) (proposed LUO 22.32.050.A).

Construction and operation of ground-mounted SEF facilities could result in impacts to vegetation both on-site and on adjacent sites through introduction of invasive weeds, overspray of herbicides, and dust covering vegetation. Provisions of the proposed LUO reduce the impact of SEF projects on adjacent vegetation by requiring project setbacks (proposed LUO 22.32.050.B), a weed management plan to minimize the potential for introduction and spread of invasive weeds (proposed LUO 22.32.040.C.4), and mandating that only non-invasive species be allowed in landscaping. Dust associated with the construction and operation of ground-mounted SEFs is addressed through implementation of best management practices required by existing LUO Chapter 22.52.

Tier 2 and Tier 3 SEF projects outside of the combining designation are subject to proposed performance standards that require preparation of a biological report demonstrating that the project will not significantly impact any sensitive biological resources. If a project cannot demonstrate a less than significant impact (Class III) on native or other important vegetation, project-level analysis under CEQA would be required and the project would not be eligible for streamlining under the RESP.

Program requirements ensure SEF projects would either demonstrate that impacts to sensitive biological resources would be less than significant (Class III) or that the resources have been avoided entirely through the implementation of proposed development standards. As designed, the proposed Program reduces impacts to native vegetation to a less than significant level (Class III).

Reduce the Extent, Diversity, or Quality of Native or Other Important Vegetation – Wind (pp. 3.4-38 through -39)

Rooftop construction of Tier 1 WECS equipment may impact nearby grasslands or vegetation, as equipment may be necessary to hoist equipment to the roof of the building and gain access to the site. Most buildings in rural environments are required to have a clear area for fire protection, and it is anticipated that the fire break setback around the structure would be used for the staging and construction of roof-mounted WECS equipment. It is possible that some tree limbs or vegetation may need to be trimmed to allow passage of larger vehicles; however as the Tier 1 projects are to be located on existing buildings, the assumption is that there is adequate existing access. There may be a temporary impact associated with driving on grassland or vegetation; however, the area is expected to recover as the interaction will likely be less than two weeks and no follow-up construction would be necessary. Other than vehicle and pedestrian movement, no ground disturbance would be associated with building-mounted equipment.

Ground-mounted WECS projects are required to provide a biological report that will include measures designed to reduce impacts to less than significant. If the project modifications cannot reduce impacts to Class III, then the project will not qualify for streamlining and must obtain either a Minor or Conditional Use Permit, which will require independent project-specific CEQA analysis and mitigation. Impacts to native vegetation from the construction and operation of WECS projects are considered less than significant (Class III).

Reduce the Extent, Diversity, or Quality of Native or Other Important Vegetation – Policy Changes (p. 3.4-39)

The proposed Program was designed to avoid sensitive areas. Projects that cannot demonstrate that absence and avoidance of sensitive species and habitat are not eligible for the proposed RESP. Therefore, the policy changes proposed with the RESP are considered less than significant (Class III).

Impact Wetland or Riparian Habitat – Solar (pp. 3.4-39 through -40)

Tier 1 SEFs would be located on top of existing structures or within developed areas that do not support sensitive biological resources; therefore, implementation of Tier 1 solar projects under the RESP would not result in impacts to wetland or riparian habitat.

Direct impacts to wetland and riparian habitat from Tier 2 and Tier 3 solar projects that would require state or federal permitting, and projects that may impact these features are not eligible for streamlining under the RESP. Impacts to sensitive biological resources in adjacent areas would be avoided through the implementation of proposed development standards. These include setbacks (i.e., buffers) around projects, a weed management plan to minimize the potential for introduction and spread of invasive weeds, and only non-invasive species allowed in landscaping. Dust control and the implementation of other best management practices are required by existing LUO Chapter 22.52. Implementation of these development standards would minimize or avoid impacts to wetland and riparian habitats to a less than significant level (Class III).

Impact Wetland or Riparian Habitat – Wind (p. 3.4-40)

Tier 1 wind turbines are mounted on a roof or structure of a conforming use, with no associated ground disturbance. Therefore, construction and operation would not result in direct or indirect impacts to wetland or riparian habitat. Impacts would be less than significant (Class III).

Impact Wetland or Riparian Habitat – Policy Changes (p. 3.4-40)

As previously discussed, adherence to policy changes proposed under the RESP would ensure projects would minimize impacts to wetland and riparian habitat. Impacts would be less than significant (Class III).

Interfere with the Movement of Resident or Migratory Fish or Wildlife Species, or Factors Which Could Hinder the Normal Activities of Wildlife – Solar (pp. 3.4-40 through -41)

Tier 1 SEF projects would be located on roofs or other structures or on disturbed sites with no biological resources. Proposed performance standard LUO 22.32.050.D.1 states that solar panels must have nonreflective surfaces to minimize glare. The nonreflective surface and the angle associated with the roof will avoid the solar panels being mistaken for windows as might occur with a vertical installation. Additionally, Tier 1 SEF ground-mounted facilities are required to obtain site plan approval that involves preparation of botanical and biological reports. These reports will determine whether the proposal is eligible for processing as a Tier 1, or because of potential impacts to wildlife movement, must be processed with additional CEQA analysis and a Minor or Conditional Use Permit. Implementation of Tier 1 solar projects under the RESP would result in a less than significant impact (Class III) to wildlife movement or migration.

Tier 2 SEF ground-mounted projects within the combining designation can be up to 40 acres in size but can only be located on land that is graded, disturbed, or altered, located on Brownfield

land that was previously developed for industrial or commercial purposes, and degraded or contaminated and then abandoned or underused (proposed LUO 22.32.050.A.3). Parcels eligible for inclusion in the combining designation were also screened to reduce the potential to affect known sensitive habitats or wildlife corridors. Tier 2 SEF and above projects outside of the combining designation could be between 40 acres and 160 acres in size. Projects of this size can impede wildlife seasonal migration or daily movement if constructed within a movement corridor. However, these projects are required by performance standard LUO 22.14.100.C to prepare a biological resources report as part of the application, which is specific to the project and design. The report will determine whether the project can avoid any identified migration corridor or whether additional analysis is necessary. Further, projects of this size outside of the combining designation must obtain a Minor or Conditional Use Permit, which is discretionary and requires independent project-specific environmental analysis.

During construction, ground disturbance, noise and vibration, and general disturbance from human activity can discourage wildlife use or result in hazards to wildlife attempting to move through the area; however, these effects would be minimized through implementation of development standards in sections 22.14.100.F 1, 3, 5 and 6 of the proposed LUO requiring setbacks from areas that could be used by wildlife. During operation, fences or operations and maintenance activities can exclude wildlife. Development standards requiring setbacks and wildlife-friendly fencing would reduce impacts to a less than significant (Class III) level. No interference with fish migration or movement would occur, as eligible projects would not impact wetlands or waters.

Interfere with the Movement of Resident or Migratory Fish or Wildlife Species, or Factors Which Could Hinder the Normal Activities of Wildlife – Wind (p. 3.4-41)

Streamlining of wind projects under the RESP is limited to Tier 1 WECS, which are installations mounted on a roof of a structure or conforming use. As discussed above, roof-mounted WECs equipment is not likely to result in impacts to birds. Roof-mounted facilities will be on buildings that are well separated, allowing movement all around them and resulting in no impact to bird migratory patterns or movement. With implementation of proposed development standards, impacts to wildlife movement and migration from Tier 1 WECS would be less than significant (Class III).

Tier 2 and above WECS projects could result in avian mortality due to the size and number of turbines in a close pattern. The siting of WECS projects of this scale requires careful study of bird migration patterns, understanding of local habitat and foraging areas, and identification of the types of bird species likely to frequent the project site. Because this information is site-specific, the RESP requires a site-specific biological report for Tier 2 WECS projects in the combining designation and either a Minor or Conditional Use Permit and accompanying CEQA analysis for projects outside of the combining designation. If Tier 2 WECS projects within the combining district cannot be designed to result in a less than significant impact (Class III), the project is not eligible for the streamlining program and must proceed under the traditional zoning approval process. As designed, this impact is considered less than significant (Class III).

Interfere with the Movement of Resident or Migratory Fish or Wildlife Species, or Factors Which Could Hinder the Normal Activities of Wildlife – Policy Changes (p. 3.4-42)

The proposed project is specifically designed to guide renewable energy projects to areas with minimal biological impact. Tier 1 SEF and WECS projects are to be mounted on buildings or on previously disturbed soils. Tier 1 SEF ground-mounted installations must also obtain site plan approval that requires preparation of a botanical and biological report (LUO 22.60.040). These

reports will be used to ensure that a project does not have a significant impact on wildlife movement. Tier 2 projects inside the combining designation must maintain a setback from sensitive bird nesting habitat, wetlands, drainages, and vernal pools. Tier 2 and above SEF and WECS projects outside of the combining designation must obtain either a Minor or Conditional Use Permit. These discretionary permits require site-specific environmental analysis. Through a combination of proposed LUO performance standards and prohibition, the proposed project will have a less than significant (Class III) impact on wildlife activities.

Conflict with Any Regional Plans or Policies to Protect Sensitive Species, or with Regulations of the California Department of Fish and Wildlife or US Fish and Wildlife Service – Solar (pp. 3.4-42 through -43)

Tier 1 solar installations would be located on top of existing structures or within developed areas that do not support sensitive biological resources; therefore, implementation of Tier 1 solar projects under the RESP would not result in significant impacts to sensitive biological resources protected by local, regional, state, or federal plans, policies, or regulations.

Any project with impacts to species regulated by the California Department of Fish and Wildlife (CDFW) or the US Fish and Wildlife Service (USFWS) that would require state or federal permitting is not eligible for streamlining under the RESP. Impacts to sensitive species covered under regional plans or policies from Tier 2 and Tier 3 SEFs would be as described under Threshold 1 (Result in a Loss of Unique or Special-Status Species or Their Habitats). Birds and bats could potentially collide with Tier 2 and Tier 3 solar projects. As proposed, the RESP was specifically designed to avoid conflicting with regional plans or policies or with federal or state regulations. Therefore, this impact is considered less than significant (Class III).

Direct and indirect impacts to sensitive biological resources in adjacent areas would be avoided through the implementation of proposed development standards. These include setbacks around projects and a weed management plan to minimize the potential for introduction and spread of invasive weeds. Dust control and the implementation of these development standards would ensure that the RESP would not result in significant impacts to sensitive biological resources protected by local, regional, state, or federal plans, policies, or regulations. In addition, Development Standard 22.14.100.F.1–2 would require compliance with applicable standards from regional plans or policies, including compliance with the conservation easement requirements of the County's San Joaquin Kit Fox Program. With implementation of development standards, impacts would be less than significant (Class III).

Conflict with Any Regional Plans or Policies to Protect Sensitive Species, or with Regulations of the California Department of Fish and Wildlife or US Fish and Wildlife Service – Wind (p. 3.4-43)

Tier 1 wind turbines are mounted on a roof or structure of a conforming use and would not impact most sensitive species. Birds and bats could potentially collide with Tier 1 WECS. Although species protected by local, regional, state, or federal plans, policies, or regulations could collide with these facilities, the magnitude of these effects is expected to be low. Therefore, conflicts with regional plans or policies or with federal or state regulations would be less than significant (Class III).

Conflict with Any Regional Plans or Policies to Protect Sensitive Species, or with Regulations of the California Department of Fish and Wildlife or US Fish and Wildlife Service – Policy Changes (p. 3.4-43)

The proposed Program was specifically designed to direct SEF and WECS projects to areas with minimal biological value. Tier 1 roof-mounted projects would utilize the existing building footprint instead of disturbing new ground. Pursuant proposed LUO 22.14.100.F., ground-mounted SEFs must obtain a site plan approval that requires preparation of biological and botanical reports to ensure that sensitive species are not impacted.

The RESP specifically precludes any project from the Program if it needs a state or federal permit for approval. This would preclude streambed alteration permits and wetland fill permits. The streamlining policies proposed with the RESP are not intended to apply to all projects. The RESP acknowledges that projects that do not qualify for streamlining are able to follow the traditional method of project consideration (e.g., Minor or Conditional Use Permit). These methods allow consideration of site-specific project features as well as project-specific mitigation measures. Policy changes proposed under the RESP would not conflict with existing applicable regional plans or policies and would not conflict with state or federal regulations protecting biological resources. Impacts would be less than significant (Class III).

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with resulting in a loss of unique or special-status species or their habitats (solar, wind, and policy changes); reducing the extent, diversity, or quality of native or other important vegetation (solar, wind, and policy changes); impacting wetland or riparian habitat (solar, wind, and policy changes); interfering with the movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife (solar, wind, and policy changes); and conflicting with any regional plans or policies to protect sensitive species, or with regulations of the California Department of Fish and Wildlife or US Fish and Wildlife Service (solar, wind, and policy changes).

6.5 CULTURAL RESOURCES

Cause a Substantial Adverse Change in the Significance of a Historical Resource – Solar (pp. 3.5-25 through -26)

Tier 1 solar electric facilities (SEFs) will be mounted on existing buildings and structures or on previously disturbed land. As some of the structures eligible for roof-mounted systems will be 50 years of age or older, it is possible that the historic integrity of the building may be diminished. This could occur as the energy-generating equipment would be an obvious change on the roof. This change could affect the historic setting of the roof or otherwise affect the features that could contribute to eligibility for listing as a historic resource. Proposed performance standard 22.32.050.D.2 for roof-mounted Tier 1 SEF projects requires that the equipment be designed to be removed at a later date and that the roof can be returned to its original pre-project condition. As the change to the roof to install the equipment is temporary and the equipment can be removed and the building's roof restored, this impact is considered less than significant (Class III).

In the case of ground-mounted Tier 2 and 3 SEF projects, as required by proposed performance standard 22.14.100.F.7, a Cultural Resources Report would be required Where the Cultural Resources Report identifies any potential resources, the applicant would also submit the

following: (1) 100 percent field survey of the proposed project area where all identified resources are recorded on forms required by the State Historic Preservation Officer (SHPO); (2) correspondence with Native American contacts provided by the Native American Heritage Commission (NAHC) and a search of the sacred lands database maintained by the NAHC to identify sensitive resources; and (3) a technical report presenting the results of these studies, the identification of any resources that might be historic resources, and management and treatment recommendations for these resources in a report format meeting SHPO guidelines to identify measures the project would employ to avoid direct or indirect impacts to any potential resources. Projects which cannot demonstrate that they meet the above requirements would require additional project-level CEQA review .

Proposed performance standard 22.14.100.F.7.c would reduce potential impacts to known historical resources. Impacts to any inadvertently discovered cultural resources or human remains would be addressed through 22.10.040.A and B. Therefore, this impact is considered less than significant (Class III).

Cause a Substantial Adverse Change in the Significance of a Historical Resource – Wind (p. 3.5-26)

Tier 1 WECS projects would be roof-mounted and would be subject to proposed performance standard section 22.32.060.D.2 that requires equipment be designed to be removed. This performance standard is needed as the energy-generating equipment would be an obvious change on the roof. This change could affect the historic setting of the roof or otherwise affect the features that could contribute to eligibility for listing as a historic resource. Ground-mounted Tier 1 WECS projects would be located on previously disturbed soils and subject to LUO 22.10.040 regulating the discovery of human remains.

Tier 2 and above WECS projects are ground-mounted and would be subject to either a Minor or Conditional Use Permit. These discretionary permits would require a cultural resources survey as part of the independent site specific analysis and CEQA review in support of either a Minor or Conditional Use Permit.

Implementation of existing LUO 22.10.040 regarding the discovery of human remains, and proposed performance standard 22.32.060.D.2 that ensures roof-mounted equipment can be removed from older buildings, and the requirement to conduct a site-specific cultural resource study for projects on undisturbed soils will ensure that all cultural resource impacts will be addressed. This impact is considered less than significant (Class III).

Cause a Substantial Adverse Change in the Significance of a Historical Resource – Policy Changes (pp. 3.5-26 through -27)

Through application of the existing LUO and the proposed streamlining eligibility criteria and associated performance standards discussed above, potential impacts to cultural resources are considered less than significant (Class III).

Cause a Substantial Adverse Change in the Significance of an Archaeological Resource – Solar (p. 3.5-27)

Tier 1 SEF projects that will be located on rooftops will have no potential to impact archaeological resources, as there would be little to no ground disturbance. In most instances, Tier 1 SEF projects on existing buildings will use existing electrical services. LUO Section 22.10.040 provides standards for the discovery of human remains should that occur during any trenching.

For ground-mounted Tier 1 SEFs, performance standard 22.32.050.A.3 requires that the area be previously disturbed, which eliminates the potential for disturbing archaeological resources at the surface. LUO Section 22.10.040 provides standards for the discovery of human remains should that occur during any trenching or excavation.

For Tier 2 and 3 SEF projects, as required by proposed performance standard 22.14.100.F.7, a Cultural Resources Report would be required. Where the Cultural Resources Report identifies any potential resources, the applicant would also submit the following: (1) 100 percent field survey of the proposed project area where all identified resources are recorded on forms required by the State Historic Preservation Officer (SHPO); (2) correspondence with Native American contacts provided by the Native American Heritage Commission (NAHC) and a search of the sacred lands database maintained by the NAHC to identify sensitive resources; and (3) a technical report presenting the results of these studies, the identification of any resources that might be historic resources, and management and treatment recommendations for these resources in a report format meeting SHPO guidelines to identify measures the project would employ to avoid direct or indirect impacts to any potential resources. Projects which cannot demonstrate that they meet the above requirements would require additional project-level CEQA review. As the proposed Program will either avoid any ground disturbance by design or will require site-specific analysis as a performance measure, this impact is considered less than significant (Class III).

Cause a Substantial Adverse Change in the Significance of an Archaeological Resource – Wind (p. 3.5-27)

As with SEF projects, Tier 1 WECS projects will either be located on a rooftop or on previously disturbed soils. Tier 2 and above WECS projects located on undisturbed soils within the combining designation are required to obtain either a Minor or Conditional Use Permit. Consideration of these discretionary permits will require a CEQA analysis that will include a cultural resource study. This impact is considered less than significant (Class III).

Cause a Substantial Adverse Change in the Significance of an Archaeological Resource – Policy Changes (p. 3.5-27)

Adherence to policy changes proposed under the RESP would minimize impacts to cultural resources. This impact is considered less than significant (Class III).

Disturb Any Human Remains Including Those Interred Outside Formal Cemeteries – Solar (p. 3.5-28)

Tier 1 projects will either be roof-mounted or directed to areas where the ground has been previously disturbed. Tier 2 and above projects will be required to conduct project-specific cultural analysis. While there is a potential for human remains to be discovered during grading or trenching activities, LUO Section 22.10.040 establishes a procedure to be followed if remains are discovered. CEQA Section 15064.5(e) establishes a process to be followed if the coroner believes that the remains are Native American. Therefore, this impact is considered less than significant (Class III).

Disturb Any Human Remains Including Those Interred Outside Formal Cemeteries – Wind (p. 3.5-28)

Tier 1 WECS projects within the combining designation will be roof-mounted. Projects on undisturbed soils and Tier 2 and above projects outside of the combining designation will be required to conduct project-specific cultural analysis. While there is a potential for human

remains to be discovered during grading or trenching activities, LUO Section 22.10.040 establishes a procedure to be followed if remains are discovered. CEQA Section 15064.5(e) also establishes a process to be followed if the coroner believes that the remains are Native American. Therefore, this impact is considered less than significant (Class III).

Disturb Any Human Remains Including Those Interred Outside Formal Cemeteries – Policy Changes (p. 3.5-28)

Policy changes proposed with the RESP would streamline renewable energy projects within the combining designation. Tier 1 projects could occur throughout the county, but would either be roof-mounted and therefore unlikely to disturbed buried remains, or directed to previously disturbed areas and subject to LUO Section 22.10.040 governing the discovery of human remains and also to Public Resources Code Section 5097.94 for the discovery of Native American remains. Tier 2 and above projects will be required to conduct project-specific cultural analysis. While there is a potential for human remains to be discovered during grading or trenching activities, LUO Section 22.10.040 establishes a procedure to be followed if remains are discovered. CEQA Section 15064.5(e) establishes a process to be followed if the coroner believes that the remains are Native American. None of the proposed policy changes would circumvent the existing regulations concerning human remains. This impact is considered less than significant (Class III).

Cause a Substantial Adverse Change in the Significance of a Paleontological Resource – Solar (p. 3.5-29)

Tier 1 SEFs would consist of photovoltaic panels mounted on rooftops of other structures as well as small to medium-sized ground-mounted systems. Rooftop installations would have no impact on paleontological resources. Ground-mounted systems would either be directed to disturbed soils or require additional study with Site Plan Review. Unless the bedrock is exposed, the potential for impact may not be known until trenching or soils information associated with construction materials is provided. Because of the cost of constructing in bedrock and the abundance of areas where bedrock can be avoided, it is very unlikely that ground-mounted SEF projects would encounter paleontological resources. All ground-mounted renewable energy facilities would avoid exposed bedrock, rock outcrops, or significant ridgetops as directed by proposed standard 22.32.040.C.4. This impact is considered less than significant (Class III).

Cause a Substantial Adverse Change in the Significance of a Paleontological Resource – Wind (p. 3.5-29)

The proposed Program would allow WECS facilities that are mounted to rooftops of existing structures. Construction of these facilities would occur entirely on top of a pre-existing structure, based on the criteria for Tier 1 WECS proposed in 22.32.030.A.3. Construction activities would be confined to the built environment footprint or a nearby laydown area and aboveground. Therefore, these facilities would not negatively affect paleontological resources.

Construction of footings to support towers for Tier 2 and 3 WECS could affect resources, as excavation may encounter bedrock. As part of the engineering approval process, the County would require submission of a geotechnical study that will identify the soils types and the potential to encounter bedrock. As projects of this size will also require a Minor or Conditional Use Permit and accompanying CEQA review that will include preparation of a cultural resources study, appropriate requirements can be made to either avoid the bedrock or provide monitoring during excavation. As these provisions are already in place or would be applied as part of either the

Minor or Conditional Use Permit, there is no need for mitigation. This impact is considered less than significant (Class III).

Cause a Substantial Adverse Change in the Significance of a Paleontological Resource – Policy Changes (pp. 3.5-29 through -30)

The proposed policy changes would streamline the construction of rooftop SEFS and WECS projects that could not have any impact on paleontological resources. The proposed Program also allows for streamlining of ground-mounted equipment and includes a performance standard that either directs this equipment to previously disturbed areas or requires preparation of a cultural and paleontological resources analysis. This impact would be less than significant (Class III).

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with impacts to historical resources (solar, wind, and policy changes); impacts to archaeological resources (solar, wind, and policy changes); disturbance of any human remains including those interred outside formal cemeteries (solar, wind, and policy changes); and impacts to paleontological resources (solar, wind, and policy changes).

6.6 GEOLOGY AND SOILS

Expose People or Structures to Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death Involving Rupture of a Known Earthquake Fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map), Strong Seismic Ground Shaking, Seismic-Related Ground Failure, Including Liquefaction, or Landslides or Be Located on a Geologic Unit or Soil That Is Unstable, or That Would Become Unstable as a Result of the Project, and Potentially Result in On- or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse – Solar (pp. 3.6-18 through -19)

Two Alquist-Priolo Special Earthquake Study Zone Faults traverse the county—the San Andreas and the Los Osos fault zones. Because these two fault zones are Alquist-Priolo faults, there is a potential for surface ground rupture during a seismic event along these segments. Development of solar electric facility (SEF) projects could result in structures being placed and maintained within an Earthquake Fault Zone. However, these structures would not be designed for human occupancy and would not place people at risk of surface rupture or other seismic hazards. In the event that solar panels and associated infrastructure are placed within an Earthquake Fault Zone, Geologic Study Area (GSA) performance standards would apply and a geology and soils report would be required. Structures would be designed, engineered, and installed to avoid or withstand surface rupture or other seismic hazards. Additionally, it should be noted that the RESP would not negate or supersede the requirements of the Alquist-Priolo Earthquake Fault Zoning Act.

Development of SEFs in the county, whether roof- or ground-mounted, would be designed in accordance with California Building Code (CBC) requirements that address structural seismic safety. All new development would be required to comply with the CBC, which includes design criteria for seismic loading and other geologic hazards, including design criteria for geologically induced loading that govern sizing of structural members and provide calculation methods to assist in the design process and mounting and installation requirements for rooftop solar panels specific to roof types. Thus, while shaking impacts would be potentially damaging, they would also tend to be reduced in their structural effects due to CBC criteria that recognize this potential. The

CBC includes provisions for buildings to structurally survive an earthquake without collapsing and includes measures such as anchoring to the foundation and structural frame design.

Conformance with GSA performance standards, including engineered grading plan requirements where applicable, would reduce impacts related to unstable earth conditions to less than significant (Class III).

Expose People or Structures to Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death Involving Rupture of a Known Earthquake Fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map), Strong Seismic Ground Shaking, Seismic-Related Ground Failure, Including Liquefaction, or Landslides or Be Located on a Geologic Unit or Soil That Is Unstable, or That Would Become Unstable as a Result of the Project, and Potentially Result in On- or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse – Wind (p. 3.6-19)

Construction and operation of wind energy conversion system (WECS) projects would not place structures within an Alquist-Priolo Earthquake Fault Zone, would not produce unstable earth conditions, and would not expose people or structures to unstable earth conditions. Only Tier 1 WECS, which would be mounted on a rooftop or existing structure, would be streamlined under this Program. No soil disturbance or excavation would occur, and the WECS would be mounted on structures that were sited and constructed in conformance with the California Building Code.

In the event that WECs projects and associated infrastructure are proposed within an Earthquake Fault Zone, GSA performance standards would apply and a geology and soils report would be required. Structures would be designed, engineered, and installed to avoid or withstand surface rupture or other seismic hazards. Additionally, it should be noted that the proposed Program would not negate or supersede the requirements of the Alquist-Priolo Earthquake Fault Zoning Act.

Development of WECs in the county, whether roof- or ground-mounted, would be designed in accordance with CBC requirements that address structural seismic safety. All new development would be required to comply with the CBC, which includes design criteria for seismic loading and other geologic hazards. As such, the impact would be less than significant (Class III).

Expose People or Structures to Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death Involving Rupture of a Known Earthquake Fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map), Strong Seismic Ground Shaking, Seismic-Related Ground Failure, Including Liquefaction, or Landslides or Be Located on a Geologic Unit or Soil That Is Unstable, or That Would Become Unstable as a Result of the Project, and Potentially Result in On- or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse – Policy Changes (pp. 3.6-19 through -20)

The proposed RE Combining Designation overlaps large portions of the GSA Combining Designation in the county. The GSA Combining Designation indicates areas subject to increased risk from seismic activity, landslides, and/or liquefaction. However, for areas where the proposed RE Combining Designation overlaps with a GSA, all performance standards for that GSA would continue to apply under the proposed Program. Specifically, streamlined Tier 2 and Tier 3 SEF projects would be subject to engineered grading plan requirements to reduce risks to structures, life, and property from unstable/hazardous earth conditions.

The Program would not negate or supersede the requirements of the Alquist-Priolo Earthquake Fault Zoning Act. No structures designed for human occupancy would be placed within a

California Geological Survey Earthquake Fault Zone. For areas where the RE Combining Designation overlaps with a GSA, all performance standards for that GSA would continue to apply under the proposed Program. The proposed Program would not result in any policy changes that would increase the likelihood of a structure being placed within an Earthquake Fault Zone, nor would the RESP change any of the existing requirements for an unoccupied structure that is placed within an Earthquake Fault Zone.

Similarly, requirements of the CBC would continue to apply to all projects proposed under the Program throughout the county. Additionally, the Program does not pertain to the development of structures designed for human occupancy. Therefore, impacts related to unstable earth conditions would be less than significant (Class III).

Result in Substantial Soil Erosion or the Loss of Topsoil – Solar (p. 3.6-20)

Construction activities for SEFs could lead to topographic changes within the project area. These topographic modifications, if improperly designed, could lead to soil erosion, loss of topsoil, and/or unstable soil conditions. However, all SEFs disturbing more than 50 cubic yards of material or removing more than 1 acre of vegetation would be subject to the County's grading permit requirements (Chapter 22.52 of the County Code), which establish standards to minimize erosion and sedimentation, reduce the harmful effects of stormwater runoff, and otherwise protect the natural environment. Grading permit requirements include submittal of a grading plan and erosion and sedimentation control plan (existing LUO Section 22.52.120), including protective measures to be taken during construction to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills. If necessary, a civil engineering report, soil engineering report, and/or engineering geology report could also be required.

In addition, COSE Policies SL 1.2 and SL 1.3 recommend that erosion and sediment control practices are implemented on steep slopes, natural vegetation and topography are retained to the maximum extent feasible in areas designated with at least moderate erosion potential, degraded and eroded areas are restored where feasible by replanting with native vegetation, grading and site disturbance is avoided on slopes over 30 percent, and projects are designed to minimize runoff. Additionally, the retention of natural drainage systems is encouraged. Further, under the proposed Program, sites graded and cleared of natural vegetation and topsoil during construction are required to be restored (regraded, covered with topsoil, and replanted) once those disturbed areas are no longer required for operation (proposed LUO Section 22.32.040.A.3). Soil removed during construction must be stored for later use. Therefore, adherence to the Land Use Ordinance, COSE Policies SL 1.2 and SL 1.3, and proposed LUO Section 22.32.040.A.3 would reduce impacts to less than significant (Class III).

Result in Substantial Soil Erosion or the Loss of Topsoil – Wind (pp. 3.6-20 through -21)

Construction and operation of WECS would not increase soil erosion or lead to unstable soils. Only Tier 1 WECS, which would be mounted on a rooftop or existing structure, would be streamlined under this program. No grading, excavation, or filling would occur. Impacts would be less than significant (Class III).

Result in Substantial Soil Erosion or the Loss of Topsoil – Policy Changes (p. 3.6-21)

For areas where the RE Combining Designation overlaps with a GSA, all performance standards for the Geologic Study Area would continue to apply under the proposed Program. Similarly, requirements of the CBC would continue to apply to all projects streamlined under the proposed Program. Additionally, the proposed Program does not negate or conflict with any County

General Plan COSE soil conservation requirements to preserve and protect soil resources from degradation or loss by wind and water erosion. COSE Policy SL 1.2 requires erosion and sedimentation control practices during development or other soil-disturbing activities on steep slopes and ridgelines, while Policy SL 1.3 requires that grading and site disturbance on slopes greater than 30 percent be avoided. Therefore, compliance with General Plan COSE policies and adherence to CBC requirements and the requirements in the Land Use Ordinance for Geologic Study Areas would reduce effects associated with the implementation of the proposed Program and would not result in increased soil erosion or unstable soils. The impact would be less than significant (Class III).

Be Located on Expansive Soil, Creating Substantial Risks to Life or Property – Solar (p. 3.6-21)

The county has 134,221 acres of soil with a high shrink-swell potential, located primarily in the lower elevations of the coastal regions of the county. The North County Planning Area has the highest number of acres with high shrink-swell potential, with approximately 66,000 acres of these soils. The South County Planning Area contains approximately 26,000 acres of soils with high shrink-swell potential, followed by the San Luis Obispo Planning Area with approximately 18,000 acres. The Carrizo Planning Area has the lowest number of acres with expansive soils with a high shrink-swell potential, approximately 14,000 acres.

Construction and operation of ground-mounted SEFs could result in structures being placed and maintained on expansive soils. These structures would not be designed for human occupancy and would not place people at risk of geologic hazards. Under the RESP, requirements of the California Building Code would continue to apply to all streamlined projects, and structures located on expansive soils would be designed and engineered to withstand the shrink-swell forces of expansive soils. Although Tier 3 SEFs would include a greater number of structures than Tier 1 and Tier 2 SEFs, the risk of exposure to geologic hazards would be the similar and would remain less than significant. Conformance with California Building Code requirements, which would apply to all streamlined SEFs, would reduce the risk of exposure to geologic hazards (including expansive soils) to less than significant (Class III).

Be Located on Expansive Soil, Creating Substantial Risks to Life or Property – Wind (p. 3.6-22)

Construction and operation of WECS would not place structures on expansive soils. Only Tier 1 WECS, which would be mounted on a rooftop or existing structure, would be streamlined under this Program. Therefore, WECS would not be placed on expansive soils, and no impacts under this threshold would occur as a result of streamlined WECS. This impact is less than significant (Class III).

Be Located on Expansive Soil, Creating Substantial Risks to Life or Property – Policy Changes (p. 3.6-22)

The Program would not negate or supersede the requirements of the California Building Code. No structures designed for human occupancy would be constructed under the proposed Program. The proposed RESP would not result in any policy changes that would increase the likelihood of a structure being placed on expansive soils, nor would the proposed Program change any of the existing requirements for an unoccupied structure that is placed on expansive soils. Therefore, this impact is less than significant (Class III).

Be Inconsistent with the Goals and Policies of the County's Safety Element Relating to Geologic and Seismic Hazards – Solar (p. 3.6-22)

Construction and operation of SEFs would not produce unstable earth conditions. Conformance with GSA performances, which would apply to all streamlined SEFs within a Geologic Study Area, would reduce the risk of exposure to unstable earth conditions to less than significant. In the event solar panels and associated infrastructure are placed within an Earthquake Fault Zone, GSA performance standards would apply and engineered grading would be required. Structures would be designed, engineered, and installed to avoid or withstand surface rupture or other seismic hazards. Although Tier 3 SEFs would include a greater number of structures than Tier 1 and Tier 2 SEFs, the risk of exposure to unstable earth conditions or surface rupture and other seismic hazards would be the similar and would remain less than significant (Class III).

Be Inconsistent with the Goals and Policies of the County's Safety Element Relating to Geologic and Seismic Hazards – Wind (pp. 3.6-22 through -23)

Construction and operation of WECS would not produce unstable earth conditions and would not expose people or structures to unstable earth conditions. Construction and operation of WECS would not place structures built for human occupancy within an Earthquake Fault Zone. Only Tier 1 WECS, which would be mounted on a rooftop or existing structure, would be streamlined under this program. No soil disturbance or excavation would occur, and the WECS would be mounted on structures that were sited and constructed in conformance with the California Building Code. Exposure to unstable earth conditions or surface rupture would not occur within any of the planning areas, and this impact is considered less than significant (Class III).

Be Inconsistent with the Goals and Policies of the County's Safety Element Relating to Geologic and Seismic Hazards – Policy Changes (p. 3.6-23)

For areas where the RE Combining Designation overlaps with a GSA, all performance standards for that Geologic Study Area would continue to apply under the proposed Program. Similarly, requirements of the Alquist-Priolo Fault Zoning Act and the California Building Code would continue to apply to all projects streamlined under the proposed Program. Additionally, the proposed Program does not pertain to the development of structures designed for human occupancy. Therefore, implementation of the proposed Program would not result in actions or projects that are inconsistent with the County's Safety Element relating to geologic and seismic hazards. This impact is considered less than significant (Class III).

Preclude the Future Extraction of Valuable Mineral Resources – Solar (p. 3.6-23)

Although SEFs could occupy up to 160 acres, they would be subject to the LUO requirements of the Energy and Extractive Resource Area (EX) and Extractive Resource Area (EX1) combining designations. These requirements would ensure that SEFs are not sited in locations that are reserved or zoned for present or future mineral resource extraction. Therefore, SEFs would not preclude the future extraction of valuable mineral resources. Less than significant (Class III) impacts would occur under this threshold as a result of streamlined SEFs.

Preclude the Future Extraction of Valuable Mineral Resources – Wind (p. 3.6-24)

Construction and operation of WECS would not place structures on mineral resource extraction lands. Only Tier 1 WECS, which would be mounted on a rooftop or existing structure, would be streamlined under this Program. Therefore, WECS would not preclude the future extraction of valuable mineral resources. Less than significant (Class III) impacts under this threshold would occur as a result of streamlined WECS.

Preclude the Future Extraction of Valuable Mineral Resources – Policy Changes (p. 3.6-24)

The RESP would not negate or supersede the performance standards of the EX or EX1 combining designations. No structures would be sited on lands reserved or zoned for mineral resource extraction under the proposed Program. The proposed Program would not result in any policy changes that would preclude the future extraction of valuable mineral resources. Therefore, this impact is less than significant (Class III).

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with potential fault rupture along faults identified as Alquist-Priolo fault systems or segments (solar, wind, and policy changes); the substantial loss of topsoil (solar, wind, and policy changes); inconsistency with the goals of the County's Safety Element relating to geologic and seismic hazards (solar, wind, and policy changes); and mineral resources (solar, wind, and policy changes).

6.7 GREENHOUSE GASES AND CLIMATE CHANGE

Generate Greenhouse Gas Emissions That Exceed Thresholds as Established by the County Air Pollution Control District – Solar/Wind (pp. 3.7-17 through -18)

Solar energy projects developed under the Program would include solar photovoltaic panels mounted on rooftops of other structures as well as small to medium-sized ground-mounted systems. The proposed Program would also allow WECS facilities that are mounted to rooftops of existing structures. The development of such facilities would result in direct emissions of GHGs from construction. While some GHG emissions would be generated during the operation of renewable energy facilities from worker trips and equipment usage associated with ongoing operations, maintenance, repair, and security, such emissions would be negligible. As stated in Section 2.0, Project Description, of the Draft EIR, it is likely that up to three personnel would be required to service and maintain each Tier 1 SEF, Tier 2 SEF, and Tier 3 SEF facility, which represents levels well below thresholds established by the SLOAPCD.

The total land footprint assumed for development of these projects is 1,500 acres. For the purposes of this analysis, it is assumed that development of these 1,500 acres would occur over a period of 10 years. Predicted maximum construction-generated emissions are summarized in Table 3.7-5 of Draft EIR Section 3.7, Greenhouse Gases and Climate Change, and compared with the SLOAPCD significance threshold for GHG emissions. In accordance with the SLOAPCD threshold determination, projected GHGs from construction activities have been amortized over the life of project operations (30 years). The projected criteria pollutant emissions resulting from construction activities were estimated by PMC using the California Emissions Estimator Model (CalEEMod). Results of the modeling conducted by PMC are included in Appendix 3.3 and 3.7 of the Draft EIR.

As shown, construction-generation GHG emissions, amortized over the life of the project per SLOAPCD guidance, would not surpass SLOAPCD significance thresholds; therefore, the impact would be less than significant (Class III). In addition, renewable energy-generating facilities reduce emissions by decreasing the need for energy from fossil fuel–based power plants throughout the state. The GHG emissions reduction realized by operation of the SEF and WECS facilities allowed under the project would more than offset the GHG emissions generated by their construction and ongoing operations. Further, EnergyWise Plan Reduction Measure 10 calls for the development of a comprehensive renewable energy strategy to encourage the commercial-scale installation of renewable energy projects in the county. The proposed Program would directly implement

Reduction Measure 10, which according to the County EnergyWise Plan will reduce GHG emissions by 20,610 to 41,290 metric tons annually by the year 2020. Therefore, this impact is less than significant (Class III).

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with the generation of greenhouse gas emissions that exceed thresholds established by the County Air Pollution District (solar/wind).

6.8 HAZARDS AND HAZARDOUS MATERIALS

Create a Hazard to the Public or the Environment Through the Routine Transport, Use, or Disposal of Hazardous Materials – Construction (pp. 3.8-17 through -18)

The Program would include construction activities that could involve limited transport, use, and disposal of hazardous materials routinely associated with the operation and maintenance of heavy construction equipment or other support vehicles, such as gasoline fuels, asphalt, lubricants, toxic solvents, pesticides, dust palliatives, and herbicides. The use and handling of hazardous materials during construction activities would be required to occur in accordance with applicable federal, state, and local laws.

While the potential exists for these materials to be leaked or accidentally spilled onto the ground or into waterways during construction and create a hazard to the public or the environment, such spills would be anticipated to be minor based on the quantity of such materials typically stored and/or used on a construction site for Tier 1, Tier 2, and Tier 3 projects. If the project were to use or store larger quantities of hazardous materials, it would be subject to the existing San Luis Obispo Certified Unified Program Agency (CUPA) hazardous materials business plan requirements, reducing the impact to less than significant. Statewide, the California Department of Toxic Substances Control (DTSC) has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the State.

Furthermore, all construction sites disturbing more than 50 cubic yards of material or removing more than 1 acre of vegetation would be subject to the County's grading permit requirements (Chapter 22.52 of the County Code), which establish standards to, among other things, prevent contaminants, sediments, and/or pollutants from leaving construction sites. In addition, potential impacts related to minor spills would be largely avoided by training construction personnel in the handling and storage of hazardous materials in compliance with Occupational Safety and Health Administration (OSHA) standards, which require construction projects to implement safe hazardous material handling and storage, transfer (e.g., refueling), and maintenance (e.g., oil changes, washing). These existing regulations would ensure that the transport, use, and disposal of hazardous materials during solar or wind facility construction activities would not create a significant hazard to the public or the environment. This impact would be less than significant (Class III).

Create a Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials – Solar (pp. 3.8-18 through -19)

Cadmium telluride (CdTe) may be present in photovoltaic solar panels used for solar energy projects. CdTe is considered toxic if ingested or inhaled via dust particles. Human exposure to CdTe would occur only if a module, sealed in glass, generated flake or dust particles. The

potential for CdTe release could only occur from severe pitting of the panel surface. In addition, some high-performance solar photovoltaic cells contain small amounts of selenium and arsenic, which could be emitted if solar cells were broken during construction or decommissioning.

For photovoltaic facilities using high-performance solar cells, special handling of solar panels containing toxic metals would be required to prevent accidental breakage that would also preclude recycling of the solar cell materials at off-site facilities. Any modules that are damaged/broken or found to be defective for any reason (during construction or operations) would be returned to the manufacturing facility for recycling, consistent with California (i.e., retrograde material) and federal requirements, where they would be recycled into new modules or for use in other new products.

As described in the proposed changes to Chapter 22.32, all renewable energy facilities land use permit applications will be required to submit a recycling and disposal plan that would address both construction and operations of the solar electric facility (SEF) project for renewable energy infrastructure, including photovoltaic panels, so that project structures do not pose a risk to human health or the environment. The recycling and disposal plan is required to specify how project components will be disposed of in a manner that will not pose a risk to human health or the environment.

SEF projects that deal with storage, use, and disposal of hazardous materials in all County planning areas would comply with all appropriate federal, state, and local regulations, such as the regulations discussed in Section 3.8, Hazards and Hazardous Materials, subsection 3.8.2, Regulatory Setting, of the Draft EIR, to ensure safety of the surrounding public and environment. These requirements would reduce this impact to less than significant (Class III).

Create a Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials – Wind (p. 3.8-19)

Construction and decommissioning of wind facilities would generate both solid and minor liquid wastes. Fluids used and drained from turbine drive train components (e.g., lubricating oils, hydraulic fluids, coolants) require disposal. Tower segments, turbine components (emptied of their fluids), and broken concrete would not pose a hazardous materials risk and could be recycled or reused. Miscellaneous materials without salvage value are expected to be nonhazardous and would be sent to permitted disposal facilities.

Because the RESP only streamlines Tier 1 wind energy projects, the amount of hazardous materials used, transported, or disposed of for these projects would be anticipated to be minor. Similarly, the amount of waste produced when decommissioning Tier 1 wind energy conversion systems (WECS) would be minor due to the size of rooftop wind projects. Similar to SEF projects, Tier 2 WECS projects would be required to comply with all appropriate federal, state, and local regulations, such as the regulations discussed in Draft EIR Section 3.8, Hazards and Hazardous Materials, subsection 3.8.2, Regulatory Setting, to ensure safety of the surrounding public and environment. Because of the size of Tier 1 WECS and the standard requirements for building all WECS projects, this impact would be less than significant (Class III).

Create a Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials – Policy Changes (p. 3.8-20)

The proposed Program does not alter existing local, state, or federal regulations or policies pertaining to transport, use, or disposal of hazardous materials. Projects implemented under the Program would result in less than significant (Class III) impacts.

Create a Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment – Solar (pp. 3.8-20 through -21)

According to the GeoTracker database (see Table 3.8-1 in the Draft EIR), there are currently 39 cleanup sites in the county. In the absence of appropriate precautions and/or cleanup efforts, certain projects may create the potential for exposing construction workers, the public, or the environment to hazardous materials.

Where appropriate, the County would require an investigation of the potential for SEF projects that are located at or in the vicinity of identified hazardous material sites or in areas that contain hazardous materials. Site-specific evaluation would have to include a historical assessment of past uses, and when determined appropriate by the County, soil sampling. In those instances where a specific project site is found to be contaminated by hazardous materials, the site would be required, where appropriate, to be cleaned up to the standards of the appropriate regulatory agency. Appropriate remediation measures to ensure worker safety during construction would be required, where appropriate, prior to the commencement of earth-moving activities, subject to the County's review and approval.

Tier 1, 2, and 3 SEF projects could also occur in areas with the valley fever fungus (*Coccidioides immitis)*. Project construction would disturb the soil and cause the fungal spores to potentially become airborne, potentially putting construction personnel and wildlife at risk of contracting valley fever. As discussed in Draft EIR Section 3.3, Air Quality, infection from valley fever during construction can be avoided through the control of construction-generated dust. Construction-generated dust associated with the project would be controlled by adhering to the requirements contained in existing County Code Section 22.52.160 and would ensure that impacts associated with valley fever would be addressed**.** Additionally, other actions can be implemented by project contractors during construction such as wetting the soil before disturbing it by heavy equipment or vehicles and wetting soils continuously while digging in order to keep dust levels down would help to prevent the fungal spores associated with valley fever from becoming airborne. For these reasons, this impact is considered less than significant (Class III).

Create a Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment – Wind (p. 3.8-21)

Construction and operation of Tier 1 WECS would be small in scale and located on existing roofs or structures. They would not result in ground disturbance to areas that may previously have been contaminated but may result in disturbance to roofing shingles that could contain asbestos. Prior to installation of a Tier 1 WECS, studies assessing the structure's roof would be required. Any roofing shingles with asbestos would be identified, and existing regulations, such as 8 California Code of Regulations (CCR) Section 339, would require that this hazardous material be addressed prior to any construction, reducing the impact to less than significant.

The transport of Tier 1 WECS would involve minimal hazardous materials and so would be unlikely to result in accidental release of such materials. Any risk of hazard to the public through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be considered less than significant (Class III).

Create a Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment – Policy Changes (p. 3.8-21)

Adherence to existing regulations, as well as to policy changes proposed under the RESP, would ensure that solar and wind projects are required to comply with all appropriate federal, state, and local regulations, such as the regulations discussed in Draft EIR Section 3.8, Hazards and Hazardous Materials, subsection 3.8.2, Regulatory Setting, to ensure the safety of the surrounding public and environment. The Program would not indirectly create a hazard to the public through the accidental release of hazardous materials. This impact is considered a less than significant (Class III).

Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste within One-Quarter Mile of an Existing or Proposed School – Solar (pp. 3.8-22 through -23)

The exact location of the Tier 1, 2, and 3 SEF projects are unknown so there is a possibility that some projects would be within one-quarter mile of an existing or proposed school. However, all renewable energy facilities would comply with all appropriate federal, state, and local regulations to ensure the safety of the surrounding public and environment. For instance, a business plan that includes an inventory of hazardous materials handled, facility floor plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures (California Health and Safety Code, Division 20, Chapter 6.95, Article 1) would be required for each individual project.

In terms of the potential hazards of CdTe, the CdTe contained in PV modules is in the environmentally stable form of a compound rather than the leachable form of a metal. The module design results in the encapsulation of the semiconductor material between two sheets of glass, thereby preventing the exposure of CdTe to the environment. Furthermore, any modules that are damaged/broken or found to be defective for any reason (during construction or operations) would be returned to the manufacturing facility for recycling, consistent with California (i.e., retrograde material) and federal requirements, where they would be recycled into new modules or for use in other new products.

As described in the proposed changes to Chapter 22.32, all land use permit applications for renewable energy facilities will be required to submit a recycling and disposal plan that would address both construction and operations of the SEF project for renewable energy infrastructure. The recycling and disposal plan is required to specify how project components will be disposed of in a manner that will not pose a risk to human health or the environment. Therefore, the risk of emissions of acutely hazardous materials in the vicinity of a school would be less than significant.

Students at nearby schools could be significantly impacted if a spill of motor vehicle fuel or transformer fluid were to occur as a result of transportation of these materials to the site for project construction. However, all construction sites disturbing more than 50 cubic yards of material or removing more than 1 acre of vegetation would be subject to the County's grading permit requirements (Chapter 22.52 of the County Code), which establish standards to, among other things, prevent contaminants, sediments, and/or pollutants from leaving construction sites. The grading permit requirements set forth standards, including the incorporation of best management practices (BMPs) to control all grading, excavation, and earthwork and would ensure that hazardous or flammable materials used during construction of solar or wind facilities would not create a significant hazard to the public.

Potential impacts related to minor spills would be largely avoided by training construction personnel in the handling and storage of hazardous materials in compliance with OSHA standards, which require construction projects to implement safe hazardous material handling and storage, transfer (e.g., refueling), and maintenance (e.g., oil changes, washing). In addition, the transport of large quantities of hazardous materials is strictly regulated by the California Highway Patrol (California Vehicle Code Section 3200.5), and the hazardous materials used during project construction would be transported along regulated routes by a licensed transporter and would therefore not pose a significant hazard to students at schools. This impact is considered less than significant (Class III).

Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste Within One-Quarter Mile of an Existing or Proposed School – Wind (p. 3.8-23)

Construction and operation of Tier 1 WECS could be located within one-quarter mile of existing and proposed schools. Tier 1 WECS would be small in scale and located on existing roofs or structures. Construction of Tier 1 WECS would emit minimal hazardous materials, given the size and type of roof-mounted structures. Any risk of emitting hazard materials within one-quarter mile of an existing or proposed school would be minimal and less than significant (Class III).

Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste Within One-Quarter Mile of an Existing or Proposed School – Policy Changes (p. 3.8-23)

Adherence to policy changes proposed under the RESP would ensure that solar and wind projects are required to comply with all appropriate federal, state, and local regulations, such as the regulations discussed in Draft EIR Section 3.8, Hazards and Hazardous Materials, subsection 3.8.2, Regulatory Setting, to ensure the safety of the surrounding public and environment. Any impacts would be reduced to less than significant (Class III) levels and so would not indirectly create a hazard to the public through the accidental release of hazardous materials.

Be Located on, or Adjacent to, a Site Which Is Included on a List of Hazardous Material/Waste Sites Compiled Pursuant to Government Code Section 65962.5 (Cortese List) and Result in an Adverse Public Health Condition – Solar (pp. 3.8-23 through -24)

The Cortese List includes hazardous waste facilities, contaminated drinking water wells, sites listed as having underground storage tank leaks that have discharged into surface water or groundwater, and other sites that have had a known migration of hazardous materials or waste (see Table 3.8-1 of the Draft EIR). Many of the sites listed in Table 3.8-1 are located in incorporated cities and would not be within the Combining Designation overlay.

However, while unlikely, some of the Tier 1, Tier 2, or Tier 3 SEF sites could be within or adjacent to an overlay site identified on the Cortese List and could therefore result in potentially adverse public health conditions. Even so, these sites are well regulated per federal and state laws. Where appropriate, the County would require an investigation of the potential for SEF projects to be located at or in the vicinity of identified hazardous material sites or to be located in areas that contain hazardous materials.

Any future development of solar projects built on sites that are on the Cortese List would be required to comply with all California, federal, and local laws and regulations intended to prevent adverse public health conditions associated with these sites. For instance, lands identified on the Cortese List could be required to be cleaned up to the standards of the appropriate regulatory agency before the site can be developed. Appropriate remediation measures to ensure worker safety during construction would be required, where appropriate,

prior to the commencement of earthmoving activities, subject to the County's review and approval. Therefore, this impact is less than significant (Class III).

Be Located on, or Adjacent to, a Site Which Is Included on a List of Hazardous Material/Waste Sites Compiled Pursuant to Government Code Section 65962.5 (Cortese List) and Result in an Adverse Public Health Condition – Wind (p. 3.8-24)

Construction and operation of Tier 1 WECS would be small in scale and located on existing roofs or structures. While it is unlikely that they would be located on a building that is on the Cortese List, any future development of WECS projects built on sites that are on the Cortese List would be required to comply with all California, federal, and local laws and regulations intended to prevent adverse public health conditions associated with these sites. For instance, lands identified on the Cortese List could be required to be cleaned up to the standards of the appropriate regulatory agency before the site can be developed. Therefore, this impact is less than significant (Class III).

Be Located on, or Adjacent to, a Site Which Is Included on a List of Hazardous Material/Waste Sites Compiled Pursuant to Government Code Section 65962.5 (Cortese List) and Result in an Adverse Public Health Condition – Policy Changes (p. 3.8-24)

As discussed above, any development of SEF and WECS projects built on sites that are on the Cortese List would be required to comply with all California, federal, and local laws and regulations intended to prevent adverse public health conditions associated with these sites. Therefore, this impact is less than significant (Class III).

Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Evacuation Plan – Solar (pp. 3.8-24 through -25)

Response corridors and evacuation routes are roadways that would typically be used by response vehicles or the general public in an emergency situation. These roadways are generally arterials and other major roadways that offer sufficient width for emergency response vehicles. Tier 1, Tier 2, and Tier 3 SEFs would not impair the implementation of plans to access these routes or directly interfere with access to them. Any construction-related traffic generated during the construction of SEFs would be limited in both scope and duration. The projects would be required to identify responsibilities and coordinate emergency responses at the local level in the event of an emergency. Furthermore, the operation of SEFs would not result in a substantial concentration of people in one area and therefore would not affect existing response plans. Therefore, this impact would be less than significant (Class III).

Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Evacuation Plan – Wind (p. 3.8-25)

Construction and operation of Tier 1 WECS would be small in scale and located on existing roofs or structures. It is unlikely that they would impair implementation of or physically interfere with an adopted emergency response plan or an evacuation plan. Any construction traffic generated during the construction of Tier 1 WECS would be short term in nature, would likely be one or two vehicles, and would not generate interference with an emergency response plan. Therefore, this impact is less than significant (Class III).

Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Evacuation Plan – Policy Changes (p. 3.8-25)

Policy changes proposed under the RESP would not affect response corridors and/or evacuation routes. Less than significant (Class III) impacts would occur.

If Within the Airport Review Designation or Near a Private Airstrip, Result in a Safety Hazard for People Residing or Working in the Project Area – Solar (pp. 3.8-25 through -26)

Tier 1, Tier 2, or Tier 3 SEFS could be built at adjacent to or near existing airports. Low-flying planes and helicopters could be subject to glare from the reflective surfaces of the solar PV glass panels during daylight hours. Because of the potential footprint of PV arrays, up to 160 acres for Tier 3 SEFs, pilots could potentially experience distracting flashes of reflected light while flying in the immediate vicinity of a solar project.

While such glare would be a new feature in the project area, PV installations at airports typically incorporate anti-reflective coatings in the panels to minimize the effects of glare on aeronautical operations. In addition, existing objectives would prohibit any development within the Paso Robles Municipal Airport and the San Luis Obispo County Regional Airport, which have conditions that pose hazards to aircraft in flight (see Paso Robles Municipal Airport Land Use Plan, Objective 4.6.1, and San Luis Obispo Municipal Airport Land Use Plan, Objective 4.5.1).

Paso Robles Municipal Airport Land Use Plan Policy S-5 and San Luis Obispo County Regional Airport Land Use Plan Policy S-4 would not allow high-intensity or unusually hazardous land uses within the area under the Airport Land Use Plan's jurisdiction. Further, the Federal Aviation Administration's (FAA) interim policy would require FAA review of solar energy projects on federally obligated airports, and 14 Code of Federal Regulations (CFR) Part 77 would require notification of any structures within 20,000 feet of an airport. With implementation of the existing rules and regulations regarding airports and private airstrips, impacts that could result in a safety hazard for people residing or working in the project area would be less than significant (Class III).

If Within the Airport Review Designation or Near a Private Airstrip, Result in a Safety Hazard for People Residing or Working in the Project Area – Wind (p. 3.8-26)

Construction and operation of Tier 1 WECS would be small in scale and located on existing roofs or structures. The height restriction for Tier 1 WECS is 10 feet in areas designated for agriculture, rural, and public facilities land uses, and up to 15 feet in all other land use categories. Because the Tier 1 WECS would be built on existing structures and would be limited in height, impacts within or adjacent to airport and private airstrips would be less than significant (Class III). Additionally, Paso Robles Municipal Airport Land Use Plan Policy S-5 and San Luis Obispo County Regional Airport Land Use Plan Policy S-4 would not allow high-intensity or unusually hazardous land uses within the area under the Airport Land Use Plan's jurisdiction.

If Within the Airport Review Designation or Near a Private Airstrip, Result in a Safety Hazard for People Residing or Working in the Project Area – Policy Changes (p. 3.8-26)

Adherence to existing policies and other policy changes proposed under the RESP would ensure streamlined solar and wind projects comply with San Luis Obispo County ordinances and applicable General Plan strategies, measures, and policies, including those in the Conservation and Open Space Element. This impact would be less than significant (Class III).

Increase Fire Hazard Risk or Expose People or Structures to High Wildland Fire Hazard Conditions – Solar (pp. 3.8-26 through -27)

Project construction would involve the use of heavy equipment, welding, and other activities, including personnel smoking, which could cause a wildfire ignition at the site, potentially resulting in a hazard to personnel or to the scattered residences in the vicinity of the solar energy project. In addition, electrical fires from equipment during the operations phase of the project could ignite nearby vegetation. Switching equipment and inverters would be sited on concrete foundations, and inverters would be housed in steel and concrete equipment enclosures, minimizing the risk of electrical sparks that could ignite vegetation during equipment failure. All electrical equipment would be built to industry safety design standards, further reducing the risk of electrical fires at the site. PV array wiring may remain "hot," i.e., carry an electrical charge, after being disconnected during daylight hours. If PV panels are disconnected by trespassers, operations personnel, or during dismantling, live wires could result in a wildfire ignition if they were to come into contact with vegetation. In addition, live wires could pose an electric shock hazard to trespassers or authorized personnel.

Although the characteristics of the Tier 1, Tier 2, and Tier 3 SEF projects present only a moderate fire hazard, during extreme weather conditions, a fire originating at the solar sites could spread out of control and pose a risk to life and property within the RE Combining Designation overlays. Any loss of life or property as a result of an accidental wildfire ignition would be a significant impact. The risk of ignition from project activities could be reduced or eliminated by implementing additional fire safety practices during construction and site operation as required by County Code Chapter 22.50, Fire Safety Plan. Fire safety plans generally are reviewed by the County fire protection agency and include measures to prevent accidental ignition at the site. In addition, proposed LUO Section 22.32.040.A.5 would require electrical safety signage on all arrays in the immediate vicinity of all wiring and all electrical conduits to reduce the risk of electrical shock and fire. Through implementation of these standards and policies, impacts related to wildfire would be less than significant (Class III).

Increase Fire Hazard Risk or Expose People or Structures to High Wildland Fire Hazard Conditions – Wind (p. 3.8-27)

Tier 1 WECS could be located within moderate, high, and very high Fire Hazard Severity Zones. Construction of Tier 1 WECS would be confined to existing structures, limited to 5 or 10 feet in height depending on underlying land use designation and would not contain any construction or operational components that could reasonably be expected to increase wildfire risk. As a result, impacts would be less than significant (Class III).

Increase Fire Hazard Risk or Expose People or Structures to High Wildland Fire Hazard Conditions – Policy Changes (p. 3.8-27)

Adherence to existing policies and other policy changes proposed under the RESP would ensure streamlined solar and wind projects comply with San Luis Obispo County ordinances and applicable General Plan strategies, measures, and policies, including those in the COSE. This impact would be less than significant (Class III).

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with creating a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (construction, solar, wind, and policy changes); creating a

hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (solar, wind, and policy changes); emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (solar, wind, and policy changes); being located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Government Code Section 65962.5 (Cortese List) and resulting in an adverse public health condition (solar, wind, and policy changes); impairing implementation of or physically interfering with an adopted emergency response plan or evacuation plan (solar, wind, and policy changes); if within the Airport Review designation or near a private airstrip, resulting in a safety hazard for people residing or working in the project area (solar, wind, and policy changes); and increasing fire hazard risk or expose people or structures to high wildland fire hazard conditions (solar, wind, and policy changes).

6.9 LAND USE AND PLANNING

Be Potentially Inconsistent with Land Use Policy/Regulation Adopted to Avoid or Mitigate for Environmental Effects (pp. 3.9-17 through -21)

The proposed RESP process was specifically designed to work within the County's existing environmental regulatory process and allow qualified projects to identify and avoid potential environmental effects. New proposed permit requirements would address gaps in the existing standards, identifying a range of site-level criteria and project characteristics that require discretionary review. Proposed permit requirements in Chapter 22.32 would rely on new "tiers" of SEFs and WECS. These tiers correspond to proposed definitions in Article 8 distinguishing between different types of electric-generating plants. These proposed definitions correspond to permit requirements proposed for Chapter 22.32.

Revisions to Title 22 also ensure that emerging types of renewable energy technologies (such as biomass)are subject to a discretionary permit process when appropriate, based on project size or land use category, including energy storage and solar thermal facilities. As any discretionary permit is required to comply with CEQA, clarifying permit processes for these technologies ensures that any potential environmental effects not anticipated by Title 22 are addressed through a subsequent environmental review. Currently, Chapter 22.32 allows electric-generating plants less than 40,000 square feet with Zoning Clearance. Revisions to Title 22 ensure that solar thermal facilities always require a Conditional Use Permit, while describing where energy storage facilities are primary land use permits versus accessory uses permitted with other energy-generating facilities.

The RESP also removes limitations on renewable energy established by Article 9 of Title 22. Currently, Article 9 (Community Planning Standards) prohibits electricity generation in select planning areas, communities, or areas throughout the county. Areas such as the Los Ranchos/Edna Village Specific Plan area are precluded from any type of electricity generation, including renewable energy production. Based on the applicability of land use permits described in Section 22.06.020 of Title 22, limitations in Article 9 preclude uses that are otherwise allowable as identified in Title 22, Article 2. For instance, where Article 2 identifies electric-generating plants as an allowable use, electricity production is not allowable if Article 9 prohibits electricity production for that parcel or area. The RESP removes these prohibitions and inconsistencies. Removing Article 9 limitations on electricity production provides greater

coordination throughout Title 22, allowing projects to rely on the proposed permit requirements in Chapter 22.32. The new permit requirements for renewable energy facilities would require any proposed in these areas to either avoid or mitigate potential environmental effects, or undergo discretionary review. Thus, revisions to Article 9 remove barriers to renewable energy, while revisions to Chapter 22.32 seek to apply discretionary review wherever a project may pose environmental impacts.

Because the proposed RESP clarifies development processes, adopts performance standards for renewable energy facilities, and works within the existing regulatory framework, the Program encourages renewable energy in a manner that avoids environmental impacts, the proposed RESP will have a less than significant (Class III) impact on policies and regulations adopted to avoid or mitigate environmental effects.

Renewable Energy Combining Designation

The project implements General Plan policy to prioritize renewable energy development where it is feasible and does not significantly harm sensitive environmental resources. As described in the EIR, the proposed Renewable Energy (RE) Combining Designation provides ministerial permit approval for projects that meet performance standards identified in proposed additions to Section 22.14.100. Incorporating performance standards into Title 22 provides coordination between the code and adopted policies for renewable energy.

The RE Combining Designation process establishes application requirement and project design and operational standards to ensure consistency with adopted County policies. For instance, as described in the EIR, projects to be located on Important Agricultural Soils in the RE Combining Designation must provide conservation easement(s) as defined in the designation to become eligible for ministerial decision. Proposed standards in the designation require projects to demonstrate compliance with existing County policies, including proposed performance standards for setbacks, vegetation clearing and restoration, and avoidance/protection of habitat and special-status species. Project applicants demonstrating consistency with proposed Section 22.14.100 and Chapter 22.32 can achieve ministerial permit approval. Site or project conditions that trigger discretionary review are clearly identified in Section 22.14.100.

Proposed additions to Section 22.14.100 screen out projects from streamlining that pose potential environmental impacts and require those projects to follow a discretionary permitting process that may trigger additional environmental review. Projects ineligible for streamlining under Section 22.14.100 are subject to the countywide permit requirements for renewable energy proposed for Chapter 22.32.

The proposed project includes LUO amendments that codify and/or cite adopted Conservation and Open Space Element strategies relating to renewable energy. The project also includes minor revisions to the Land Use and Circulation Element (LUCE), including changes that provide greater consistency between the renewable energy priorities of the COSE and the LUCE.

The RE Combining Designation would designate and encourage development of renewable energy resources, meeting County objectives to develop local renewable energy resources. Additionally, proposed measures under Section 22.14.100 identify when technical studies are warranted and if discretionary review is needed, based on certain adopted County policies. For instance, any potential conflicts with the Agricultural Element's protection of Important Agricultural Soils are addressed through required studies and additional standards in Section 22.14.100. Such projects that may harm environmental issues protected by other County policies

are screened through the proposed study process or mitigated through proposed standards, protecting such resources as agricultural lands or special-status species.

Accordingly, the RE Combining Designation is consistent with and implements County policies for renewable energy while providing standards and studies to protect other environmental issues addressed in the County General Plan. Therefore, the Program will provide streamlining for projects that avoid or mitigate potential environmental impacts consistent with adopted policies and regulations. New regulations will also identify project criteria that require additional studies and discretionary review to address potential environmental effects. Because the proposed Program provides a process for projects to avoid or mitigate environmental effects, this land use impact is considered less than significant (Class III).

Be Potentially Inconsistent with Adopted Agency Environmental Plans or Policies with Jurisdiction over the Proposed Project (p. 3.9-22)

While the proposed RESP identifies multiples categories of renewable energy facilities, projects only qualify for permit streamlining where sited and designed in a manner that reduces potential environmental impacts based on standards in the Program. The provisions included in the RESP ensure that ministerial permit review is provided only to those projects with no substantial conflicts with adopted environmental plans or policies. Countywide, ministerial permit approval is available only to accessory energy-generating facilities and Tier 1 WECS or SEF projects that would not require environmentally related permits from agencies other than the County. Within the RE Combining Designation, Tier 2 and Tier 3 SEFS up to 160 acres could qualify for streamlining only where they do not require environmentally related permits or demonstrate consistency with proposed standards or Section 22.14.100.

Further, the RESP also provides greater consistency with adopted policies of the San Luis Obispo County General Plan, providing clarity for projects to implement renewable energy while minimizing impacts to environmental resources consistent with County policies. Because of the RESP's alignment with adopted County policies, and because projects requiring additional environmentally related permits are no longer eligible for ministerial review, the RESP avoids potential inconsistencies with adopted County environmental plans or policies. This impact is considered less than significant (Class III).

Be Potentially Incompatible with Surrounding Land Uses (pp. 3.9-22 through -23)

Existing development standards in Title 22 for renewable energy technology types are limited, largely deferring to the general site planning and project design standards in Chapter 22.10 for general setbacks and height limitations. The proposed RESP includes new standards for SEFs and WECS countywide in Chapter 22.32, with additional standards for Tier 2 and Tier 3 SEFs in the RE Combining Designation established in proposed Section 22.14.100. The proposed new standards are reflective of the unique characteristics of SEFs and WECs, providing additional setbacks, height limitations, and design criteria specific both to the proposed technology and to the underlying land use category.

The unique characteristics of SEFs and WECS may pose conflicts to an adjacent land use. For example, as described in the EIR, solar energy facilities and wind energy conversion systems may result in new sources of daytime glare and lighting impacts to adjacent receptors (see Section 3.1, Aesthetics and Visual Resources). Within the RE Combining Designation, Tier 2 and Tier 3 SEFs allowable with a ministerial permit may be up to 160 acres in size. Projects of this scale are likely to change the visual character of the area. Another example of potential impacts to surrounding uses includes creation of new sources of noise. While the construction of new SEFs and WECS

would result in noise caused by equipment, the ongoing operation of these projects involves the use of on-site power inverters and other switchgear infrastructure.

Both existing standards of the County Code and proposed standards included in the Program would reduce effects that include noise, new sources of daytime glare, and lighting and visual impacts to surrounding land uses. New standards for discretionary projects direct projects to minimize and avoid such impacts, as exemplified in a new standard for Tier 3 WECS that requires projects to "be located to minimize visual impacts to residences" (see 22.32.060.D.6). The existing County Noise Ordinance (Sections 22.10.120.B–D) also requires that such equipment be enclosed or sited at such a distance from noise-sensitive land uses as to ensure compliance with noise performance standards (see Draft EIR Section 3.10, Noise). Proposed standards for Chapter 22.32 also seek to avoid impacts to surrounding uses. For instance, Chapter 22.32 establishes greater setbacks for SEFs in rural land use categories, recognizing the greater potential size and impacts of SEFs in rural areas. These standards clarify minimum setback requirements and height standards, ensuring adequate buffers from existing uses. Whereas the current Title 22 provides varying standards that do not directly correspond to renewable energy technology types, the proposed RESP includes a clear process with a range of development standards that reflect both the scale of the proposed project and the underlying land use category. Therefore, as a result of standards and permit processes proposed, indirect land use incompatibility impacts resulting from the Program will be less than significant (Class III).

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with potential inconsistency with land use policy/regulation adopted to avoid or mitigate for environmental effects; potential inconsistency with adopted agency environmental plans or policies with jurisdiction over the proposed project; and potential incompatibility with surrounding land uses.

6.10 NOISE

Expose People to Noise Levels That Exceed the County Noise Ordinance Thresholds or General Plan Noise Element – Solar (pp. 3.10-12 through -14)

Short-Term Construction Noise

Construction noise levels would be similar for both solar and wind installations, as well as for the construction of inverters and transformers, additional electrical equipment, interconnection or generation tie (gen-tie) lines, telecommunications equipment, switchgear buildings or structures, and security fencing. Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., demolition and land clearing, grading and excavation, photovoltaic (PV) system installation, or wind turbine erection). Construction noise in any one particular area would be temporary and short term but would generate noise that could reach high levels for brief periods.

The maximum intermittent noise levels associated with construction equipment typically range from approximately 75 to 87 dBA L_{max} at 50 feet, though pile driving, which is not often employed, exceeds the typical construction noise range, producing noise levels of approximately 95 dBA L_{max} at 50 feet. Potential noise impacts to sensitive receptors would vary depending on multiple factors, including the distance between construction activities and sensitive receptors. Nevertheless, such noise levels could exceed the maximum noise levels allowed under the San Luis Obispo County Noise Ordinance. However, noise sources associated

with construction are exempt from the requirements of the County Noise Ordinance, provided such activities take place after 7:00 a.m. and before 9:00 p.m. on weekdays, or after 8:00 a.m. and before 5:00 p.m. on Saturdays or Sundays per County Code Section 22.10.120.A.

Since the County Code exempts construction activities from County noise requirements during times when most construction activity occurs, and any construction occurring outside of these times would need to demonstrate compliance with County noise requirements, construction-generated noise impacts would be less than significant.

Long-Term Operational Noise

Typical noise sources associated with solar facility operations and maintenance may include power inverters, tracking motors on individual panels, corona discharge noise from gen tie-lines, and maintenance vehicles and activities (such as panel cleaning and repairs). For Tier 1 through Tier 3 solar electric facility (SEF) projects, it is likely that up to three personnel would be required to service and maintain each facility.

Solar facilities in proximity to sensitive receptors would be required to reduce the noise levels emitted from all inverters and other on-site switchgear sources. This would most likely be achieved by enclosing inverters and other on-site switchgear sources and/or siting them at such a distance from noise-sensitive land uses as to ensure compliance with the established noise standards. Compliance with Noise Element Policy 3.3.5 would be ensured in the cases that sensitive receptors are present by a site-specific noise analysis since this is the only way to quantify noise levels and identify appropriate noise reduction measures if necessary. Noise Element Implementation Measure 4.6 states that if the County Planning Director determines that a noise-sensitive land use may be exposed to noise levels exceeding County standards, notwithstanding the noise contour information in the Noise Element, an acoustical analysis meeting established County requirements would be required.

For Tier 1 through Tier 3 SEF projects, panel washing requirements and frequency would depend on technologies and site conditions, but typically would occur two to four times a year. Such noise levels could exceed the maximum noise levels allowed under the San Luis Obispo County Noise Ordinance; however, noise generated from maintenance activity, scheduled to occur as infrequently as two to four times of year, would be similar to noise generated during construction activity due to the type of equipment involved and its temporary nature. For these reasons, this impact is considered to be less than significant (Class III).

Expose People to Noise Levels That Exceed the County Noise Ordinance Thresholds or General Plan Noise Element – Wind (pp. 3.10-14 through -15)

Short-Term Construction Noise

As previously stated, construction noise levels would be similar for both solar and wind installations. While construction noise levels could exceed the maximum noise levels allowed under the San Luis Obispo County Noise Ordinance, noise sources associated with construction are exempt from the requirements of Section 22.10.120.A of the County Code. As such, construction-generated noise impacts would be less than significant.

Long-Term Operational Noise

As discussed and analyzed in Section 3.10, Noise, of the Draft EIR, wind energy conversion systems (WECS) generate two primary types of noise: aerodynamic noise from the turbine blades

passing through the air and mechanical noise from the gears and other components of the generator. Along with the wind turbine noise, typical noise sources associated with wind facilities operations and maintenance include inverter and switchgear noise.

The RESP only streamlines Tier 1 WECS projects in areas of the county zoned Agriculture (AG), Rural Lands (RL), Residential, Rural (RR), Commercial, Service (CS), Industrial (IND), Open Space (OS), or Public Facilities (PF). Operational noise from small turbines mounted on the roof of a conforming use would not generate any operational noise beyond the maximum allowed at the property line of receiving sensitive land uses. All on-site inverter and switchgear infrastructure from streamlined Tier 1 wind energy projects would be required to be enclosed or sited to ensure compliance with County Noise Element Policy 3.3.5. Therefore, WECS facilities streamlined under the RESP would not expose people to noise levels that exceed the County Noise Ordinance thresholds or Noise Element. This impact is considered to be less than significant (Class III).

Expose People to Noise Levels That Exceed the County Noise Ordinance Thresholds or General Plan Noise Element – Policy Changes (p. 3.10-15)

Implementation of the proposed policy changes to the General Plan would enable streamlined reviews and approvals of SEF and WECS facility projects to be achieved either through the building permit process, zoning clearance process, or site plan review process. Since most construction activities would be exempted from noise standards and solar and wind facilities in proximity to sensitive receptors would be required to reduce the noise levels as required by County Noise Element Policy 3.3.5, which states that noise from new stationary sources that will expose an existing noise-sensitive use to noise levels which exceed identified standards have to reduce noise levels to or below said standards, noise impacts would be less than significant (Class III).

Generate Permanent Increases in the Ambient Noise Levels in the Project Vicinity – Solar (pp. 3.10-15 through -16)

County Noise Element Policy 3.3.5 states that noise from new stationary sources that will expose an existing noise-sensitive use to noise levels which exceed identified standards have to reduce noise levels to or below said standards. Therefore, solar facilities in proximity to sensitive receptors would be required to reduce the noise levels emitted from all inverters and other on-site switchgear sources. Additionally, compliance with Noise Element Policy 3.3.5 would be ensured in the cases that sensitive receptors are present by a site-specific noise analysis since this is the only way to quantify noise levels. Noise Element Implementation Measure 4.6 states that if the County Planning Director determines that a noise-sensitive land use may be exposed to noise levels that exceed County standards, notwithstanding the noise contour information in the Noise Element, an acoustical analysis meeting established County requirements would be required.

For Tier 1 through Tier 3 SEF projects, panel washing requirements and frequency would depend on technologies and site conditions, but typically would occur two to four times a year. Such noise levels could exceed the maximum noise levels allowed under the San Luis Obispo County Noise Ordinance; however, noise generated from maintenance activity, scheduled to occur as infrequently as two to four times of year, would be associated with noise generated during construction activity due to the type of equipment involved and its temporary nature. This impact is less than significant (Class III).

Generate Permanent Increases in the Ambient Noise Levels in the Project Vicinity – Wind (pp. 3.10-16 through -17)

As previously discussed, WECS generate two primary types of noise: aerodynamic noise from the turbine blades passing through the air and mechanical noise from the gears and other components of the generator. Along with the wind turbine noise, typical noise sources associated with wind facilities operations and maintenance include inverter and switchgear noise.

The RESP only streamlines Tier 1 WECS projects in areas of the county zoned Agriculture (AG), Rural Lands (RL), Residential, Rural (RR), Commercial, Service (CS), Industrial (IND), Open Space (OS), or Public Facilities (PF). Operational noise from small turbines mounted on the roof of a conforming use would not generate any operational noise beyond the maximum allowed at the property line of receiving sensitive land uses. All on-site inverter and switchgear infrastructure from streamlined Tier 1 wind energy projects would be required to be enclosed or sited to ensure compliance with County Noise Element Policy 3.3.5. Therefore, WECS facilities streamlined under the RESP would not expose people to noise levels that exceed the County Noise Ordinance thresholds or Noise Element. This impact is considered to be less than significant (Class III).

Generate Permanent Increases in the Ambient Noise Levels in the Project Vicinity – Policy Changes (p. 3.10-17)

All SEC and WECS facilities are required to comply with County Noise Element Policy 3.3.5, which states that noise from new stationary sources that will expose an existing noise-sensitive use to noise levels which exceed identified standards have to reduce noise levels to or below said standards, noise impacts would be less than significant (Class III).

Cause a Substantial Temporary Increase in Noise Levels – Solar (p. 3.10-18)

Noise sources associated with construction are exempt from the requirements of the County Noise Ordinance, provided such activities take place after 7:00 a.m. and before 9:00 p.m. on weekdays or after 8:00 a.m. and before 5:00 p.m. on Saturdays or Sundays per County Code Section 22.10.120.A. It is expected that construction activity would occur within these times. Any construction associated with future renewable energy facilities that would occur outside of these times would not be exempt from the requirements of the County Noise Ordinance and would therefore be required to demonstrate compliance. Compliance with the Noise Ordinance would be ensured by a site-specific noise analysis since this is the only way to quantify noise levels and identify any necessary noise reduction mitigation. Since the County Code exempts construction activities from County noise requirements during times when most construction activity occurs, and any construction occurring outside of these times would need to demonstrate compliance with County noise requirements, construction-generated noise impacts would be less than significant (Class III).

Cause a Substantial Temporary Increase in Noise Levels – Wind (pp. 3.10-18 through -19)

Based on the types of construction activities associated with Tier 1 WECS projects, peak noise levels are expected to be approximately 76 dBA L_{eq} at 50 feet. Such noise levels could exceed the maximum noise levels allowed under the San Luis Obispo County Noise Ordinance. However, noise sources associated with construction are exempt from the requirements of the County Noise Ordinance, provided such activities take place after 7:00 a.m. and before 9:00 p.m. on weekdays, or after 8:00 a.m. and before 5:00 p.m. on Saturdays or Sundays per County Code Section 22.10.120.A. It is expected that the majority of future construction activity would occur

within these times. Any construction associated with future renewable energy facilities that would occur outside of these times would not be exempt from the requirements of the County Noise Ordinance and would therefore be required to demonstrate compliance.

For Tier 2 and above projects, compliance with the Noise Ordinance would be ensured by a site-specific noise analysis since this is the only way to quantify noise levels and identify any necessary noise reduction mitigation. Since the County Code exempts construction activities from County noise requirements during times when most construction activity occurs, and any construction occurring outside of these times would need to demonstrate compliance with County noise requirements, construction-generated noise impacts would be less than significant (Class III).

Cause a Substantial Temporary Increase in Noise Levels – Policy Changes (p. 3.10-19)

As discussed above for solar and wind facilities, noise sources associated with construction are exempt from the requirements of the County Noise Ordinance, provided such activities take place after 7:00 a.m. and before 9:00 p.m. on weekdays or after 8:00 a.m. and before 5:00 p.m. on Saturdays or Sundays per Section 22.10.120.A of the County Code. The proposed Program does not make any changes to the County Noise Ordinance.

Exposure of Persons to or Generation of Excessive Groundborne Vibration or Groundborne Noise Levels – Solar (p. 3.10-20)

Existing County Code Section 22.10.170.A states that any land use conducted in or within one-half mile of an urban or village reserve line needs to be operated so as to not produce detrimental earthborne vibrations perceptible at or beyond the boundary of the industrial land use producing the vibration source. Exceptions to this standard include vibrations from construction and the demolition of structures, between 7:00 a.m. and 9:00 p.m., and vibrations from moving sources such as trucks and railroads. Any construction associated with future renewable energy facilities that would occur outside of these times would not be exempt from the requirements of Section 22.10.170.A and would therefore be required to demonstrate compliance.

Compliance with the Section 22.10.170.A would be ensured by a site-specific noise analysis since this is the only way to quantify groundborne vibration levels and identify any necessary noise reduction mitigation. Since the County Code exempts construction activities from Section 22.10.170.A during times when most construction activity occurs, and any construction occurring outside of these times would need to demonstrate compliance with County requirements, potential groundborne vibration impacts would be less than significant (Class III).

Exposure of Persons to or Generation of Excessive Groundborne Vibration or Groundborne Noise Levels – Wind (pp. 3.10-20 through -21)

Existing County Code Section 22.10.170.A states that any land use conducted in or within one-half mile of an urban or village reserve line needs to be operated so as to not produce detrimental earthborne vibrations perceptible at or beyond the boundary of the industrial land use producing the vibration source. Exceptions to this standard include vibrations from construction and the demolition of structures, between 7:00 a.m. and 9:00 p.m., and vibrations from moving sources such as trucks and railroads. Any construction associated with future renewable energy facilities that would occur outside of these times would not be exempt from the requirements of Section 22.10.170.A and would therefore be required to demonstrate compliance.

Compliance with Section 22.10.170.A would be ensured by a site-specific noise analysis since this is the only way to quantify groundborne vibration levels and identify any necessary noise reduction mitigation. Since the County Code exempts construction activities from Section 22.10.170.A during times when most construction activity occurs, and any construction occurring outside of these times would need to demonstrate compliance with County requirements, potential groundborne vibration impacts would be less than significant (Class III).

Exposure of Persons to or Generation of Excessive Groundborne Vibration or Groundborne Noise Levels – Policy Changes (p. 3.10-21)

For solar and wind facilities, noise sources associated with construction are exempt from the requirements of the County Noise Ordinance, provided such activities take place after 7:00 a.m. and before 9:00 p.m. per existing Section 22.10.170.A of the County Code. It is expected that construction activity would occur within these times. Any construction associated with future renewable energy facilities that would occur outside of these times would not be exempt from the requirements of Section 22.10.170.A and would therefore be required to demonstrate compliance. Compliance with Section 22.10.170.A would be ensured by a site-specific noise analysis since this is the only way to quantify groundborne vibration levels and identify any necessary noise reduction mitigation.

Since the County Code exempts construction activities from Section 22.10.170.A during times when most construction activity occurs, and any construction occurring outside of these times would need to demonstrate compliance with County requirements, potential groundborne vibration impacts would be less than significant (Class III).

If Located Within the Airport Review Designation or Adjacent to a Private Airstrip, Expose People Residing or Working in the Project Area to Severe Noise Levels – Solar (p. 3.10-21)

No projects identified in the RESP involve airport improvements, and none of the projects would result in the development or relocation of sensitive land uses that would result in increased exposure to aircraft noise levels. In addition, the project does not propose any changes in air traffic patterns. In terms of workers, it is likely that up to three personnel would be required to service and maintain each facility for Tier 1 through Tier 3 SEF projects. Activities such as panel washing requirements and frequency would depend on technologies and site conditions, but typically would occur two to four times a year. Due to the infrequency of worker activity, workers would not be exposed to severe noise levels from aircraft. For these reasons, less than significant (Class III) impacts due to aircraft operations and related noise levels would occur.

If Located Within the Airport Review Designation or Adjacent to a Private Airstrip, Expose People Residing or Working in the Project Area to Severe Noise Levels – Wind (p. 3.10-22)

No projects identified in the RESP involve airport improvements, and none of the projects would result in the development or relocation of sensitive land uses that would result in increased exposure to aircraft noise levels. In addition, the project does not propose any changes in air traffic patterns. For these reasons, less than significant (Class III) impacts due to aircraft operations and related noise levels would occur.

If Located Within the Airport Review Designation or Adjacent to a Private Airstrip, Expose People Residing or Working in the Project Area to Severe Noise Levels – Policy Changes (p. 3.10-22)

No projects identified in the RESP involve airport improvements, and none of the projects would result in the development or relocation of sensitive land uses that would result in increased

exposure to aircraft noise levels. In addition, the project does not propose any changes in air traffic patterns. For these reasons, less than significant (Class III) impacts due to aircraft operations and related noise levels would occur.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with exposing people to noise levels that exceed the County Noise Ordinance thresholds or General Plan Noise Element (solar, wind, and policy changes); generating permanent increases in the ambient noise levels in the project vicinity (solar, wind, and policy changes); causing a substantial temporary increase in noise levels (solar, wind, and policy changes); exposing people to or generating excessive groundborne vibration or groundborne noise levels(solar, wind, and policy changes); if located within the Airport Review designation or adjacent to a private airstrip, exposing people residing or working in the project area to severe noise levels (solar, wind, and policy changes).

6.11 WATER RESOURCES

Violate Any Water Quality Standards – Solar (pp. 3.11-24 through -27)

Short-Term Construction

Compliance with the requirements of the State Water Resources Control Board (SWRCB) statewide general permits for construction and dewatering as well as the County Conservation and Open Space Element (Policy 4.2) and existing County Code (Section 22.52.120) would ensure that water quality degradation during the construction phase of projects proposed under the Program would be less than significant.

Long-Term Operations

Conformance with the existing County Code (Section 22.52.110) as well as with the requirements of state and federal water quality regulations, which would apply to all SEFs, and also the County (Conservation and Open Space Element Policy 4.2), would reduce the risk of violation of water quality standards to less than significant (Class III).

Violate Any Water Quality Standards – Wind (p. 3.11-27)

Short-Term Construction

Tier 1 WECS, which would be mounted on a rooftop or existing structure, would be streamlined under the Program. Since Tier 1 WECS would be roof-mounted, no soil disturbance or excavation would occur, and the WECS would be mounted on structures sited in primarily urban areas, away from natural streams and wetlands. While Tier 2 WECS could be ground-mounted, the same state and County requirements would apply as described for the construction of SEF projects. Compliance with these requirements would ensure that water quality degradation during the construction phase of WECS projects would be less than significant.

Long-Term Operations

Existing County Code Title 22, Section 22.52.110 requires a drainage plan for any project that increases or decreases runoff, any project that involves land disturbance of more than 20,000

square feet, or any project that results in impervious surface of more than 20,000 square feet. Therefore, such a drainage plan would be required of some Tier 2 WECS. The drainage plans will have to ensure that an on-site drainage system is in place which prevents increases or decreases in peak storm runoff levels. The drainage plans would also address stormwater discharge quality issues with site-specific stormwater protection mechanisms.

Conformance with the County Code as well as with the requirements of state and federal water quality regulations, which would apply to all Tier 2 WECS (Tier 1 WECS would be mounted on a rooftop or existing structure and therefore streamlined under the Program), would reduce the risk of violation of water quality standards to less than significant (Class III).

Violate Any Water Quality Standards – Policy Changes (p. 3.11-27)

Conformance with the County Code as well as with the requirements of state and federal water quality regulations, which would apply to all Tier 2 and higher projects, would reduce the risk of violation of water quality standards to less than significant (Class III).

Substantially Deplete Groundwater Supplies or Interfere Substantially with Groundwater Recharge Such That There Would Be a Net Deficit in Aquifer Volume or a Lowering of the Groundwater Table Level – Solar (p. 3.11-28)

As stated in Section 2.0, Project Description, of the Draft EIR, the county covers 3,616 square miles, which is the equivalent of 2,314,240 acres. Therefore, the total reasonably foreseeable land footprint of the development under the proposed Program (1,500 acres) would constitute 0.06 percent of the county. As the majority of this land would remain in a permeable state, this would constitute a less than significant (Class III) impact to groundwater recharge.

Substantially Deplete Groundwater Supplies or Interfere Substantially with Groundwater Recharge Such That There Would Be a Net Deficit in Aquifer Volume or a Lowering of the Groundwater Table Level – Wind (p. 3.11-28)

It is assumed that the majority of renewable energy facilities allowed under the proposed Program would be solar projects, with minor numbers of wind projects. Furthermore, Tier 1 WECS projects would be mounted on an existing rooftop or existing structure and therefore would not contribute to increases in impervious surfaces. Resulting impacts would be less than significant (Class III).

Substantially Deplete Groundwater Supplies or Interfere Substantially with Groundwater Recharge Such That There Would Be a Net Deficit in Aquifer Volume or a Lowering of the Groundwater Table Level – Policy Changes (p. 3.11-28)

The implementation of the proposed policy changes would enable streamlined reviews and approvals of qualifying SEF and WECS projects to be achieved either through the building permit process, zoning clearance process, or site plan review process. The development of SEFs and WECS would be a less than significant (Class III) impact to groundwater recharge since the potential increase in impermeable surfaces is insignificant.

Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River, in a Manner Which Would Result in Substantial Erosion or Siltation On- or Off-Site – Solar (pp. 3.11-28 through -29)

The construction of SEF projects would be required to comply with state and County requirements. These requirements will, at a minimum, include the preparation and implementation of a stormwater pollution prevention plan (SWPPP) identifying specific best management practices to be implemented and maintained on the site in order to comply with the applicable narrative effluent standards as described more fully in Section 3.11, Water Resources, of the Draft EIR.

Runoff from operating solar energy generation facilities could include sediment. Implementation of sediment control BMPs and wind erosion control BMPs would ensure that erosion and siltation during the construction phase of SEF projects would be less than significant.

Existing County Code Title 22, Section 22.52.110 requires a drainage plan for any grading project that increases or decreases runoff, any project that involves land disturbance of more than 20,000 square feet, or any project that results in impervious surface of more than 20,000 square feet. Therefore, such a drainage plan would be required of SEF projects that exceed any of these thresholds. The drainage plans will have to ensure that an on-site drainage system is in place which prevents increases of siltation discharge via stormwater with site-specific protection mechanisms.

As such, conformance with the requirements of state and County water quality regulations, which would apply to all SEFs, would result in erosion and siltation impacts that are less than significant (Class III).

Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River, in a Manner Which Would Result in Substantial Erosion or Siltation On- or Off-Site – Wind (p. 3.11-29)

Tier 1 WECS, which would be mounted on a rooftop or existing structure, would be streamlined under the Program. Since Tier 1 WECS would be roof-mounted, no soil disturbance or excavation would occur, and the WECS would be mounted on structures sited in primarily urban areas, away from natural streams and wetlands. While Tier 2 WECS could be ground-mounted, the same state and County requirements would apply as under existing conditions. Compliance with these requirements would ensure that erosion and water siltation during the construction phase of the WECS projects would be less than significant. Conformance with the requirements of state and County water quality regulations would result in impacts related to erosion and siltation that are less than significant (Class III).

Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River, in a Manner Which Would Result in Substantial Erosion or Siltation On- or Off-Site – Policy Changes (pp. 3.11-29 through -30)

Continued conformance with the County Code, as well as with the requirements of state water quality regulations, is expected with implementation of the Program. Policy changes proposed under the Program would result in erosion and siltation impacts that are less than significant (Class III).

Create or Contribute Runoff Water Which Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Additional Sources of Polluted Runoff – Solar (p. 3.11-30)

As previously stated, the construction of SEF projects would be required to comply with state and County requirements. These requirements will, at a minimum, include the preparation and implementation of a SWPPP identifying specific best management practices to be implemented and maintained on the site during construction in order to comply with the applicable narrative effluent standards as described more fully under Threshold 1.

Concerning operations, existing County Code Title 22, Section 22.52.110 requires a drainage plan for any project that increases or decreases runoff, any project that involves land disturbance of more than 20,000 square feet, or any project that results in impervious surface of more than 20,000 square feet. Therefore, such a drainage plan would be required of any SEF projects that exceed this threshold. The drainage plans will have to ensure that an on-site drainage system is in place which prevents increases of siltation discharge via stormwater with site-specific protection mechanisms.

Conformance with the requirements of state and County water quality regulations, which would apply to all SEFs, would reduce the risk of violation of water quality standards to less than significant (Class III).

Create or Contribute Runoff Water Which Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Additional Sources of Polluted Runoff – Wind (p. 3.11-30)

Tier 1 WECS, which are the only wind energy projects streamlined under the Program, would not result in topographic modifications or the creation of new impervious surfaces because they would all be mounted on rooftops or existing structures. Also, Tier 1 WECS would not require water for construction or operation. Therefore, construction and operation of Tier 1 WECS would not create additional runoff and impacts would be less than significant (Class III).

Create or Contribute Runoff Water Which Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Additional Sources of Polluted Runoff – Policy Changes (pp. 3.11-30 through -31)

Conformance with the County Code and with the requirements of state water quality regulations, which would apply to all Tier 2 and higher projects, would reduce runoff and stormwater drainage impacts to less than significant (Class III).

Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River, or Substantially Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- or Off-Site – Solar (p. 3.11-31)

Operation of SEFs could result in runoff that could result in flooding. The construction of larger SEF projects, or those involving grading, would be required to comply with County requirements relating to site disturbance (Existing County Code Title 22, Section 22.52.110). These requirements include the preparation of a drainage plan for any project that increases or decreases runoff, any project that involves land disturbance of more than 20,000 square feet, or any project that results in impervious surface of more than 20,000 square feet. Therefore, such a drainage plan would be required of most SEF projects. The drainage plans will have to ensure that an on-site drainage system is in place which adequately regulates stormwater. Per Conservation and Open Space Element Policy 6.4, drainage plans must also identify measures to detain or retain stormwater as appropriate in order to assist infiltration. Conformance with County water quality

regulations, which would apply to all SEFs exceeding these thresholds, would reduce the risk of violation of water quality standards to less than significant (Class III).

Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River, or Substantially Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- or Off-Site – Wind (p. 3.11-31)

Tier 1 WECS, which are the only wind energy projects streamlined under the Program, would not result in topographic modifications or the creation of new impervious surfaces because they would all be mounted on rooftops or existing structures. Therefore, operation of Tier 1 WECS would not create or contribute any substantial runoff water, and impacts would be less than significant (Class III).

Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River, or Substantially Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- or Off-Site – Policy Changes (p. 3.11-31)

Conformance with the existing County Code as well as with the requirements of state water quality regulations, which would apply to all Tier 2 and higher projects, would reduce runoff and flooding impacts to less than significant (Class III).

Place Within a 100-Year Flood Hazard Area Structures Which Would Impede or Redirect Flood Flows – Solar (pp. 3.11-31 through -32)

The County Safety Element regulates the potential to place structures within a 100-year Flood Hazard Area. Safety Element Standard S-16 states that to the extent practicable, development in areas of high flood hazard potential shall not be allowed, and Standard S-18 mandates the review of all plans for construction in low-lying areas or any area that may pose a serious drainage or flooding condition. Standard S-19 prohibits all development that would create or worsen known flood and drainage problems. Such a determination would most likely be made through the preparation of a drainage report (and remedial measures, as applicable), which would be required for all SEF projects exceeding certain thresholds or found to be potentially problematic areas, per existing County Code Title 22, Section 22.52.110. This impact is less than significant (Class III).

Place Within a 100-Year Flood Hazard Area Structures Which Would Impede or Redirect Flood Flows – Wind (p. 3.11-32)

Tier 1 WECS, which are the only wind energy projects streamlined under the Program, would not result in impacts to floodwaters because the projects would all be mounted on rooftops or existing structures and therefore would result in less than significant (Class III) impacts from floodwaters.

Place Within a 100-Year Flood Hazard Area Structures Which Would Impede or Redirect Flood Flows – Policy Changes (p. 3.11-32)

The implementation of the proposed policy changes would enable streamlined reviews and approvals of SEF and WECS facility projects to be achieved either through the building permit process, zoning clearance process, or site plan review process. Safety Element Standard S-16 states that to the extent practicable, development in areas of high flood hazard potential shall not be allowed, and Standard S-18 mandates the review of all plans for construction in low-lying

areas or any area that may pose a serious drainage or flooding condition. The proposed Program does not conflict with these policies as it does not direct or otherwise influence placement of renewable energy project in flood hazard areas. Impacts are less than significant (Class III).

Require or Result in the Need to Construct New Water Treatment Facilities or Expansion of Existing Facilities, the Construction of Which Could Cause Significant Environmental Issues – Solar (pp. 3.11-32 through -33)

As discussed and analyzed in Section 3.11, Water Resources, of the Draft EIR, a typical 20 megawatt (MW) facility would be expected to use approximately 215,000 gallons per year during operations. Furthermore, Conservation and Open Space Element Policy WR 1.8 restricts the use of water from surface water projects (e.g., Lopez Lake, Lake Nacimiento) to only serve development within urban and village reserve lines and not development in rural areas, where the majority of SEF projects would be constructed.

Approximately 60 percent of the county's water supply comes from groundwater sources. However, the Conservation and Open Space Element (Implementation Strategy WR 1.12.2) requires applications for land divisions which would increase density or intensity in groundwater basins with recommended or certified Levels of Severity II or III for water supply or water systems and are not in adjudication to include a water supply assessment (WSA) prepared by the applicable urban water supplier (as defined by California Water Code Section 10617). Additionally, as discussed in detail in the Draft EIR, Policies WR 1.13 and WR 1.14 protect groundwater supplies by preventing approval of General Plan amendments or land divisions that increase the density or intensity of nonagricultural uses in rural areas which have a recommended or certified Level of Severity II or III for water supply until a Level of Severity I or better is reached, unless there is an overriding public need

SEF projects would require the use of water during construction to reduce fugitive dust as well as during operations for panel washing purposes. These activities would not demand water to the extent that new water-producing and treating facilities would need to be constructed, potentially causing environmental impact, since they do not represent a substantial increase in water demand. Therefore, impacts related to the need to construct new water supply and treatment facilities which could then result in an environmental impact are less than significant (Class III).

Require or Result in the Need to Construct New Water Treatment Facilities or Expansion of Existing Facilities, the Construction of Which Could Cause Significant Environmental Issues – Wind (p. 3.11-33)

Operation of WECS would not impact the quantity or movement of available surface water or groundwater. Only Tier 1 WECS, which would be mounted on a rooftop or existing structure, would be streamlined under this Program. These projects would not use any water during operation since wind turbines do not require water for maintenance. Water spraying is typically used to reduce fugitive dust during construction. However, the construction of Tier 1 WECS would not require the use of water for this purpose since no ground disturbance is necessary. Impacts would be less than significant (Class III).

Require or Result in the Need to Construct New Water Treatment Facilities or Expansion of Existing Facilities, the Construction of Which Could Cause Significant Environmental Issues – Policy Changes (p. 3.11-34)

The implementation of the proposed policy changes to the General Plan would enable streamlined reviews and approvals of SEF and WECS facility projects to be achieved either through the building permit process, zoning clearance process, or site plan review process. No component of the Program, including policy changes, would result in the need to construct new water supply and treatment facilities which could then result in an environmental impact. Impacts are less than significant (Class III).

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than significant impacts associated with violating water quality standards (solar, wind, and policy changes); substantially depleting groundwater supplies or interfere with groundwater recharge (solar, wind, and policy changes); substantially altering existing drainage pattern resulting in substantial erosion or siltation on- or off-site (solar, wind, and policy changes); creating or contributing runoff water exceeding the capacity of existing or planned stormwater drainage systems (solar, wind, and policy changes); substantially altering the existing drainage pattern of the site or area or substantial increase in the rate or amount of surface runoff resulting in flooding on- or off-site (solar, wind, and policy changes); placing structures within a 100-year flood hazard area structures which would impede or redirect flood flows (solar, wind, and policy changes); and requiring or resulting in the need to construct new water treatment facilities or expansion of existing facilities (solar, wind, and policy changes).

7.0 LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS WITH INCORPORATION OF MITIGATION MEASURES (CLASS II)

The category of Less Than Significant with Incorporation of Mitigation Measures (Class II) is not included in the EIR or these Findings of Fact, as any measures deemed necessary to reduce or avoid an identified impact are proposed to be codified (i.e., included in the County's implementing land use ordinances) as required performance criteria for projects proposed under the proposed Program. Any project that would require additional mitigation measures would not qualify for streamlining under the RESP pursuant to proposed section 22.32.020.2.9.b.

8.0 SIGNIFICANT, UNAVOIDABLE, AND ADVERSE ENVIRONMENTAL IMPACTS (CLASS I)

Based on the criteria set forth in the Draft EIR and the Final EIR, the County finds that the following environmental effects of the project are significant, unavoidable, and adverse. However, as explained in the Statement of Overriding Considerations contained in Section 12.0 below, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

8.1 AESTHETICS AND VISUAL RESOURCES

Have a Substantial Adverse Effect on a Scenic View – Solar and Policy Changes (pp. 3.1-15 through -16 and p. 3.1-17)

Implementation of the proposed Program could include enclosed and open areas containing installation infrastructure (e.g., solar panels, switchgear components, and on-site maintenance operation building/structure), access roads, and fencing. These built structures (e.g., buildings, piping, fencing, and collector arrays) would introduce industrial elements into the landscape that could contrast with surrounding undisturbed areas in form, line, color, and texture. Existing and proposed County Code requirements will minimize the visual impacts of solar installations; however, resulting site specific impacts to aesthetics are unknown.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in significant and unavoidable impacts to aesthetics and visual resources (substantial adverse effect on a scenic view – solar and policy changes) and that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the Final EIR.

Mitigation Measures

The County enjoys a range of topography, elevation changes, and vistas. The screening required by proposed section 22.14.100.F.10 will be limited to the proposed site of the project. It is possible that roof and ground mounted SEF and WECS projects will be visible from vantage points away from the project at different elevations. Because the nature of the SEF and WECS projects is such that they must be open to the elements in order function properly, the same screening that would limit views of the equipment could also interfere with operation of the equipment by casting shadows or blocking wind. Further, in some vistas such as plateau or rolling plains, the addition of vegetation or screening might result in more an impact to the vista than the equipment alone. Other than screening of the sites which is already required by proposed section 22.14.100.F.10, there is no other feasible mitigation that would reduce or eliminate this impact. Further, no commenter provided recommendations or suggested mitigation that would reduce or eliminate the potential for impacts to visual resources.

Residual Impact

To reduce associated visual impacts, all ground-mounted SEFs would be subject to Site Plan Review and performance standards such as height limitations and minimum setbacks of solar facilities from adjacent parcels. Additionally, ground-mounted SEFs would not be allowed on significant ridgetops or in areas containing scenic geologic resources, such as exposed bedrock or rock outcroppings. Setback standards would minimize visual intrusion to foreground views, the distances in which streamlined solar facilities would have the greatest daytime visibility. Similarly, height standards would also reduce visual impacts by helping to minimize vertical massing and line-of-sight intrusions from adjacent viewsheds. While these existing and proposed County Code requirements will minimize the visual impacts of solar installations, the site-specific setting and visual characteristics of all future SEFs proposed under the streamlining program cannot be known. Therefore, potential remains that certain SEFs could result in an aesthetic incompatibility within public view that would be considered significant, unavoidable, and adverse.

Substantially Degrade the Visual Character of an Area – Solar and Policy Changes (p. 3.1-18 and p. 3.1-19)

Development of SEFs associated with the implementation of the proposed Program could substantially degrade the visual character of an area. Existing and proposed County Code requirements will minimize the visual impacts of solar installations; however, resulting site specific impacts to aesthetics are unknown.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in significant and unavoidable impacts to aesthetics and visual resources (substantially degrade the visual character of an area – solar and policy changes) and that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the Final EIR.

Mitigation Measures

The County enjoys a range of topography, elevation changes, and vistas. The screening required by proposed section 22.14.100.F.10 will be limited to the proposed site of the project. It is possible that roof and ground mounted SEF and WECS projects will be visible from vantage points away from the project at different elevations. Because the nature of the SEF and WECS projects is such that they must be open to the elements in order function properly, the same screening that would limit views of the equipment could also interfere with operation of the equipment by casting shadows or blocking wind. Further, in some vistas such as plateau or rolling plains, the addition of vegetation or screening might result in more an impact to the vista than the equipment alone. Other than screening of the sites which is already required by proposed section 22.14.100.F.10, there is no other feasible mitigation that would reduce or eliminate this impact. Further, no commenter provided recommendations or suggested mitigation that would reduce or eliminate the potential for impacts to visual resources.

Residual Impact

Ground-mounted SEF projects have the greatest potential to change the visual character of an area, especially the larger Tier 2 and Tier 3 SEFs. As described previously, all ground-mounted SEFs would be subject to a Site Plan Review and existing and proposed County Code requirements to minimize the visual impacts to the greatest extent possible. While these existing and proposed County Code requirements will minimize the visual impacts of solar installations, the site-specific setting and visual characteristics of all future SEFs proposed under the Program cannot be known. Therefore, implementation of the Program could indirectly result in the development of solar energy projects that substantially degrade the visual character of an area. Potential for this impact is considered significant, unavoidable, and adverse (Class I).

8.2 AGRICULTURAL RESOURCES

Convert Important Agricultural Soils to Nonagricultural Use – Solar and Policy Changes (pp. 3.2-48 through -49 and p. 3.2-50)

The proposed Program and changes to County policies could result in the conversion of Important Agricultural Soils to nonagricultural uses.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in significant and unavoidable impacts to agricultural resources (convert important agricultural soils to nonagricultural use – solar and policy changes) and that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the Final EIR.

Mitigation Measures

Proposed section 22.14.100.F.9 requires agricultural easements for all projects except Tier 1 ground mounted SEF 20 acres or less in size. Proposed section 22.14.100.F.4 requires that Tier 1 projects be located on "…disturbed areas with site disturbance such as grading, paving, development, or other improvements…" As noted in the EIR, disturbed areas can also be important Agricultural Soils.

While a conservation easement measure could be similarly applied to Tier 1 ground-mounted SEFs proposed on Important Agricultural Soils, this requirement would run counter to the primary objectives of the Program of removing barriers to approval. Requiring conservation easements for SEFs that are 20 acres or less in size would place additional financial and legal burden on small agricultural landowners, essentially discouraging applications and defeating the streamlining efforts. No commenter provided recommendations or suggested mitigation that would reduce or eliminate the potential for impacts to Important Agricultural Soil resources from Tier 1 ground mounted SEF projects.

Residual Impact

Ground-mounted Tier 1 SEFs up to 20 acres in total footprint size would be eligible for streamlining throughout the county (excluding the Coastal Zone) as long as they are located on disturbed land. This does not preclude the potential for ground-mounted Tier 1 SEFs up to 20 acres in size being developed on Important Agricultural Soils, as disturbed soils can also be Important Agricultural Soils.

In contrast, Tier 2 and 3 SEFs proposed for streamlining eligibility cannot be located on Important Agricultural Soils, unless sited on soils solely designated as Highly Productive Rangeland soils. Under the County Code, SEFs subject to a discretionary permit that are proposed on Important Agricultural Soils are required to provide a conservation easement at a 3:1 ratio on a parcel in the county other than the proposed project site. As the conservation measure is considered infeasible for Tier 1 ground mounted SEF projects, this impact is considered significant, unavoidable, and adverse.

8.3 LAND USE AND PLANNING

Preclude an Existing or Permitted Land Use, or Create a Disturbance That Would Diminish the Function of a Particular Land Use (p. 3.9-24)

The proposed Program could indirectly create a disturbance that would diminish the function of a particular land use.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in significant and unavoidable impacts to land use and planning (preclude an existing or

permitted land use, or create a disturbance that would diminish the function of a particular land use) and that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the Final EIR.

Mitigation Measures

Proposed section 22.14.100.F.9 requires agricultural easements for all projects except Tier 1 ground mounted SEF 20 acres or less in size. Proposed section 22.14.100.F.4 requires that Tier 1 projects be located on "…disturbed areas with site disturbance such as grading, paving, development, or other improvements…" As noted in the EIR, disturbed areas can also be important Agricultural Soils.

While a conservation easement measure could be similarly applied to Tier 1 ground-mounted SEFs proposed on Important Agricultural Soils, this requirement would run counter to the primary objectives of the Program of removing barriers to approval. Requiring conservation easements for SEFs that are 20 acres or less in size would place additional financial and legal burden on small agricultural landowners, essentially discouraging applications and defeating the streamlining efforts.

Even with the agricultural easement requirement, projects developed under the program would still result in the conversion of existing agricultural land into non-agricultural uses. The agricultural easement does not necessarily result in the addition of new agricultural land to replace the land used for the SEF or WECS project. While SEF and WECS projects are expected to develop a decommission plan pursuant to proposed section 22.32.040, during operation of the facilities, and before the decommissioning plan is implemented, the lands will not be available for agricultural use.

No commenter provided recommendations or suggested mitigation that would reduce or eliminate the potential for impacts to Important Agricultural Soil resources from Tier 1 ground mounted SEF projects.

Residual Impact

As discussed in the EIR, the proposed Program is consistent with the County's overall goals, objectives, plans, and policies, as established in the General Plan and codified in the Land Use Ordinance. The one exception identified is the potential for the Program to indirectly result in the conversion of agricultural land uses to renewable energy uses, as discussed above. Accordingly, this impact is similarly identified as significant, unavoidable, and adverse.

9.0 FEASIBILITY OF PROJECT ALTERNATIVES

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore merit in-depth consideration, and which are infeasible. The alternatives analyzed in the Draft EIR were ultimately chosen based on each alternative's ability to feasibly attain the basic program objectives while avoiding or reducing one or more the program's significant effects. The EIR discussed several alternatives to the proposed project in order to present a reasonable range of alternatives. The alternatives evaluated included:

Alternative 1 – Limited Combining Designation Scope

Alternative 2 – Smaller Combining Designation Footprint

Alternative 3 – No Project

9.1 ALTERNATIVE 1 – LIMITED COMBINING DESIGNATION SCOPE

Alternative 1 consists of an RE Combining Designation that is more limited in scope than that of the proposed RESP by limiting projects to rooftop and structure-mounted projects, and ground-mounted projects of 40 acres or less. The intent of this alternative is to reduce the project's Class I impacts to aesthetics and visual resources (by requiring screening from public view), agricultural resources (by requiring that Tier 1 ground-mounted SEFs not be located on Important Agricultural Soils), and land use and planning, and reduce overall impacts to other resource areas by substantially reducing the maximum allowed project footprint.

Aesthetics and Visual Resources

This alternative is intended to eliminate the Class I impacts associated with the views of larger (160-acre) SEF projects and WECS projects with 100-foot ground-mounted wind turbines. As noted in the EIR, projects of this size can be screened from view along the adjacent roadway, but fully screening them from public view may not always be technically feasible. By reducing the potential size of the project from 160 acres to 40 acres, the potential for aesthetic impact is less than with the proposed Program. Even with this reduction in size, however, projects may still be visible from off-site public views and would remain a Class I impact.

Agricultural Resources

Because this alternative would not allow ministerial approvals for ground-mounted Tier 1 SEF projects located on Important Agricultural Soils, the potential impact on agricultural resources would be less than that of the proposed Program and would reduce the Class I impact to Class III.

Air Quality

This alternative would result in smaller individual projects but may result in the same amount of land being disturbed as the proposed RESP, as there is no prohibition on the number of projects, only the size. It is also possible that smaller project sizes would result in more overall land being disturbed because more area for access roads and utility equipment would be needed to serve more individual projects. Overall, construction and operational air quality impacts would be similar to those of the proposed Program (Class III).

Biological Resources

An emphasis on roof-mounted and smaller ground-based SEF and WECS projects envisioned by this alternative would reduce the potential for biological impacts when compared to the proposed RESP. Provisions of the Program require a biological analysis for ground-mounted projects, and similar provisions would be required for any project under this alternative. As a result, impacts to biological resources would be considered Class III, similar to the proposed Program.

Cultural Resources

Limiting project sites to building sites and making the overall sites smaller than those envisioned by the proposed Program could reduce the potential for cultural resource impacts. However, as there is no cap on the number of projects, it is possible that the same land area would be developed, only in smaller pieces. Adherence to state law as well as to the provisions of the Program would result in Class III impacts, similar to those of the proposed RESP.

Geology and Soils

An emphasis on roof-mounted and smaller ground-based SEF and WECS projects envisioned by this alternative could reduce the potential for soil disturbance and associated impacts when compared to the proposed Program. Multiple smaller projects directed away from Important Agricultural Soils may still disturb the same amount of land as the proposed RESP.

Provisions of the Program require a detailed grading plan (Section 22.08.030) as part of the application and site review process. Because any project meeting the criteria for a grading plan would have a similar review and approval process with the County, the impacts of this alternative would be similar to those of the proposed Program. As a result, impacts to geology and soils would be considered Class III, similar to the proposed RESP.

Greenhouse Gases and Climate Change

While smaller individual projects would result in less grading and construction per project, there is no cap on the number of renewable energy projects. Therefore, this alternative may result in a similar amount of area being developed. Further, it is possible that multiple smaller projects may result in more land being developed, as there would be more area needed for access and equipment than if there were fewer but larger projects. Overall, this alternative would result in similar Class III and IV impacts with respect to greenhouse gases and climate change.

Hazards and Hazardous Materials

This alternative could result in smaller individual projects than the proposed Program. Smaller projects are likely to have a smaller quantity of potentially hazardous materials in a single location, which reduces the magnitude of impact from an accidental spill or misuse. However the larger number of projects would increase the number of areas that store material and therefore also increase the potential for spill or misuse. The County regulates the storage and use of potentially hazardous materials through existing ordinances and provisions of the Program, and these regulations would also apply to any project under this alternative. The impacts of project development on hazards and hazardous materials are considered Class III, similar to those of the proposed RESP.

Land Use and Planning

This alternative would still permit Tier 1 and smaller Tier 2 projects on land in the county. Impacts associated with land use are considered mostly similar to those of the proposed Program. However, this alternative would not allow ministerial approvals for ground-mounted Tier 1 SEFs located on Important Agricultural Soils, thereby reducing impacts related to agricultural land to less than significant (Class III).

Noise

Transformers associated with SEF projects are known to make noise, and both setbacks and screening included in the RESP address this issue. Because this alternative could result in a greater number of smaller projects, there could accordingly be more transformers. However the smaller projects would result in smaller transformers and less noise. Regardless, because setback and screening requirements would still apply, impacts would remain similar to the proposed project. The Program addresses these issues and would apply to any project in this alterative, resulting in a Class III impact.

Water Resources

While the project size would be smaller, the number of projects would increase. Water usage is incidental to the project overall and is needed to wash the solar panels. Therefore, whether there are panels in a single location or in several locations, the amount of water usage is likely to stay the same. There would still be the need for dust control during construction and washing of the SEF installations to ensure performance. Similar to the proposed Program, this alternative would represent a Class III impact.

Findings: Alternative 1, the No Project alternative, would result in lesser impacts. This alternative would meet objectives 1 and 4 by providing a clear statement as to where facilities could be located and establishing precise standards for construction in the RESP. Objectives 2 and 3 would not be fully realized, as the alternative places greater restrictions on project size and siting. This would not further the intent of encouraging renewable energy generation in more areas of the county. Overall, this alternative would reduce Class I agricultural resources and related land use and planning impacts to Class III, while aesthetics and visual resources impacts would remain Class I, and other impact areas would have similar Class III impacts to those of the proposed Program.

9.2 ALTERNATIVE 2 – SMALLER COMBINING DESIGNATION FOOTPRINT

Alternative 2 consists of a RE Combining Designation that excludes all land with Important Agricultural Soils. This would reduce the total acreage of the RE Combining Designation from 801,910 acres to approximately 483,570 acres, a reduction of approximately 40 percent. The sole intent of this alternative is to reduce the potential for Class I impacts associated with the conversion of agricultural land to nonagricultural uses, identified in Sections 3.2, Agricultural Resources, and 3.9, Land Use and Planning, of the Draft EIR. All other aspects of the Program as proposed would remain unchanged.

Aesthetics and Visual Resources

This alternative would avoid conversion of Important Agricultural Soils but still result in project sizes and features similar to those of the proposed Program. Screening for larger (160-acre) sites is effective only when the observer is relatively close to the project site. From a distance or with even a slight topographic elevation, SEF projects will be visible. The EIR determined that, even with the screening measures required by the Program, the visual impact of the proposed project is considered Class I with no certainty of effective and feasible mitigation for all future projects under the Program. This alternative would have a similar Class I impact.

Agricultural Resources

This alternative would not permit streamlining of SEF or WECS project on any land with Important Agricultural Soils. Because none of the identified significant agricultural soil categories would be affected, the alternative would reduce a Class I impact to a Class III impact.

Air Quality

This alternative assumes that Important Agricultural Soils would be avoided but that a similar amount of land area may be affected. Land disturbance would be similar to that of the proposed RESP. Overall, construction and operational air quality impacts would be similar to those of the proposed Program (Class III).

Biological Resources

This alternative would have less land disturbance and therefore less of a potential to impact biological resources. Provisions of the Program require a biological analysis for ground-mounted projects, and similar provisions would be required for any project under this alternative. As a result, impacts to biological resources would be considered Class III, similar to the proposed RESP.

Cultural Resources

The potential land area for development with this alternative is less than that of the proposed Program. With less land area potentially affected by construction, the impact to cultural resources would also be less than that of the proposed RESP. Construction requirements of the County and the Program would result in similar Class III impacts to cultural resources.

Geology and Soils

Provisions of the LUO require a detailed grading plan (Section 22.08.030) as part of the application and site review process. Because any project meeting the criteria of the LUO for a grading plan would have a similar review and approval process with the County, the impacts of this alternative would be similar to those of the Program (Class III).

Greenhouse Gases and Climate Change

The potential buildout scenario under this alternative would be similar to that of the proposed Program. Total land disturbed and construction and operational emissions would likewise be similar. Accordingly, this alternative would result in similar Class III and IV impacts with respect to greenhouse gases and climate change.

Hazards and Hazardous Materials

The Program as proposed would result in potential for larger facilities to store hazardous materials such as herbicides and dust palliatives. This alternative assumes projects with storage needs similar to those of the proposed Program. The County regulates the storage and use of potentially hazardous materials through existing ordinances and provisions in the Program, and these regulations would also apply to any project under this alternative. The impacts of project development on hazards and hazardous materials are considered Class III, similar to those of the proposed Program.

Land Use and Planning

The emphasis on avoiding Important Agricultural Soils would result in a Class III land use and planning impact related to agricultural land conversion, compared to the Class I impact associated with the proposed Program. However, the elimination of these agricultural lands may result in some of these projects moving into other areas of the county and affecting different resources. Further, restricting the ability of existing farms to make use of SEF or WECS projects to offset operational costs may affect the viability of smaller farms, leading to a request for land conversion.

Noise

Transformers associated with SEF projects are known to make noise, and both setbacks and screening included in the proposed Program address this issue. Projects associated with this alternative will have transformers in need of setback and noise attenuation. Therefore, noise impacts would remain similar to the Program. The Program addresses noise by establishing design criteria that also apply to any future project that would be proposed in this alterative, resulting in a similar Class III impact.

Water Resources

This alternative assumes project sizes similar to those allowed in the proposed Program and needing the same amounts of water during construction and operation as the proposed Program. Therefore, this alternative would result in similar Class III impact to water resources.

Findings: This alternative could result in similarly sized projects as the proposed Program but may result in smaller projects overall in order to avoid Important Agricultural Soils. The Class I agricultural resources and land use and planning impacts associated with the proposed Program would be reduced to Class III impacts under this alternative, while the Class I aesthetics and visual resources impacts would remain.

An indirect impact of this alternative may be a need to expand the combining designation in order to meet the projected need for renewable energy projects. The expansion may need to occur on slopes, ridgelines, and other areas that are not suited to agriculture.

Another indirect impact may be that farmers with lands meeting these criteria may be prevented from installing renewable energy systems on their lands simply because of the soils involved. This would be counter to the intent of the Program and could result in an undue burden on the agricultural use. This alternative would meet objectives 1, 2, and 4. Objective 3 would be met, albeit to a lesser extent than that of the proposed RESP, as it is likely that fewer projects would be developed due to the 40 percent reduction in the RE Combining Designation area.

9.3 ALTERNATIVE 3 – NO PROJECT

Alternative 3 is the CEQA-mandated No Project Alternative. Under Alternative 3, existing policies governing renewable energy development in the county would remain in place. Environmental impacts may be reduced in some instances because all projects would be evaluated individually and with potentially greater scrutiny. However, Alternative 3 could also result in more

cumbersome permitting processes with less certain outcomes, thus resulting in less renewable energy development than would occur under the proposed Program.

Aesthetics and Visual Resources

Existing County policies allow the installation of roof-mounted solar panels with issuance of a building permit. There are no provisions for ground-mounted panels or installation of wind turbines; however, as long as the setback provisions of Title 22 are met, permits for these types of projects are also issued as a ministerial act.

The proposed Program establishes location and screening criteria that address visual impacts for all project sizes. The no project alternative would not result in a single set of standards and could therefore result in a variety of visual impacts.

Customized visual mitigation would likely be required as each project moved through the approval process, and in most cases would probably result in less than significant impacts with mitigation incorporated (Class II) if the project is visible from a public road. If not visible from a public road, projects would be Class III.

The current process, while taking longer than the proposed, may result in reduced impacts when compared to the proposed Program. Projects likely to have Class I impacts would be required to prepare an independent project-specific EIR, with mitigation measures and findings as appropriate. For smaller projects, the cost and time associated with preparation of an EIR may reduce the extent or prevent participation in the Program.

As proposed, Tier 2 and above projects outside of the combining district will require discretionary review and may result in site-specific mitigation in addition to the program requirements. Because each project would be required to mitigate impacts to an individual level, the potential for Class I impacts will be reduced when compared to the proposed Program.

Agricultural Resources

Currently each request for a renewable energy project is addressed individually. Elements of the proposed Program also require site information specific to the development request. The Class I impact identified for the proposed Program is related to SEFs of 20 acres or less that may be located on Important Agricultural Soils (albeit disturbed), without need for mitigation. Under the no project alternative, it is likely that this type of project would trigger discretionary review, CEQA analysis, and mitigation, thus resulting in a Class II impact.

Air Quality

Due to lack of a streamlining program, this alternative could result in fewer projects and less land area affected. Construction requirements of the County and conditions of approval from the discretionary project review required under this alternative would likely result in Class II or III impacts for this alternative. Note that the Class II determination would be a function of mitigation measures proposed for individual projects. The proposed Program includes these measures as permit requirements. Overall, impacts would be similar to those of the proposed Program.

Biological Resources

Due to lack of a streamlining program, this alternative could result in fewer projects, less land area affected, and potentially lesser impacts to biological resources. All projects (save for roof-mounted SEFs) would require discretionary review and appropriate mitigation measures for impacts to biological resources. While such impacts would be considered less than significant with mitigation incorporated (Class II), this is equivalent to the Class III impacts identified for the proposed Program, since the biological resource protective measures and standards have been incorporated into the RESP.

Cultural Resources

The potential land area for development with this alternative is less than that of the proposed Program. However, the alternative could result in an equivalent overall land footprint and thus impacts to cultural resources would be similar to those of the proposed Program. Construction requirements of the County and CEQA would result in a determination of less than significant with mitigation incorporated (Class II), equivalent to the Class III impacts identified for the proposed Program, since the cultural resource protective measures and standards have been incorporated into the RESP.

Geology and Soils

The County Code already requires grading plans for ground disturbance, which would address any impacts under this alternative. As a result, impacts to geology and soils would be considered less than significant with mitigation incorporated (Class II), which is equivalent to the Class III impacts identified for the proposed Program since the resource protective measures and standards have been incorporated into the RESP. The impacts of this alternative would be similar to those of the proposed Program.

Greenhouse Gases and Climate Change

Due to lack of a streamlining program, this alternative could result in fewer projects and less land area affected. Construction requirements of the County and conditions of approval from the discretionary project review required under this alternative would likely result in Class II or III impacts for this alternative. Note that the Class II determination would be a function of mitigation measures proposed for individual projects. The proposed Program includes these measures as permit requirements. Overall, impacts would be similar to those of the proposed RESP.

Hazards and Hazardous Materials

This alternative assumes projects with storage needs similar to those of the proposed Program. The County regulates the storage and use of potentially hazardous materials through existing ordinances, and these regulations would apply to any project under this alternative. As a result, impacts to would be considered less than significant with mitigation incorporated (Class II), which is equivalent to the Class III impacts identified for the proposed Program, since the resource protective measures and standards have been incorporated into the RESP. The impacts of this alternative would be similar to those of the proposed Program.

Land Use and Planning

The no project alternative would allow each property owner to approach the County for renewable energy projects where allowable by the current LUO or where the proposed project is considered an accessory electric generating plant generating power for on-site use only. Overall, the impact on land use and planning would be less (Class III) for this alternative, as it is reasonably foreseeable that conversion of important agricultural land would be mitigated or avoided through the discretionary review and CEQA compliance processes.

Noise

Projects associated with this alternative will have transformers in need of setback and noise attenuation. Therefore, noise impacts would remain similar to the proposed Program. Compliance with the CEQA process for each project would address noise by establishing design criteria that apply to each project in this alterative, resulting in a determination of less than significant with mitigation incorporated (Class II), which is the same as the Class III anticipated by meeting the performance standards incorporated into the proposed Program.

Water Resources

This alternative assumes project types and sizes similar to the proposed Program and using the same amounts of water during construction and operation. Compliance with the CEQA process for each project would address water resources, likely resulting in a determination of a less than significant impact (Class III) or less than significant impact with mitigation incorporated (Class II). Overall, impacts would be similar to those of the proposed Program.

Findings: This alternative would result in less impacts than associated with implementation of the proposed Program and a reduction in impacts associated with aesthetics and visual resources and agricultural resources. However, under this alternative, objectives 1 through 4 would not be met. Therefore, because this alternative does not meet the Program objectives, it is rejected as a viable option.

10.0 LONG-TERM IMPLICATIONS

10.1 GROWTH INDUCEMENT POTENTIAL

CEQA Guidelines Section 15126.2(d) requires that an EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impact is defined in CEQA Guidelines Section 15126.2(d) as follows:

> *…the way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth…Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also…the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.*

While implementation of the proposed Program would contribute to energy supply, which indirectly supports population growth, the proposed development of projects associated with the

Renewable Energy Streamlining Program (RESP; Program) is a response to the state's need for renewable energy to meet its Renewables Portfolio Standard. Unlike a gas-fired power plant, projects associated with this program EIR are not being developed as a source of baseload power in response to growth in demand for electricity. The power generated would be added to the state's electricity grid with the intent that it would displace fossil fuel–based power plants and their associated environmental impacts, consistent with the findings and declarations in Senate Bill 2 (2011) that a benefit of the Renewables Portfolio Standard is displacing fossil fuel consumption in the state. In addition, the RESP is also consistent with the County's EnergyWise Plan's renewable energy goals to increase the production of renewable energy from small- and commercial-scale energy installations.

Implementation of the RESP would supply energy to accommodate and support existing demand and projected growth, but it would not foster any new growth because (1) the additional energy would be used to ease the burdens of meeting existing statewide energy demands within and beyond the area of the project; (2) it would displace energy demand currently met by fossil fuels; and (3) the factors affecting growth are so diverse that any potential connection between additional energy production and growth would necessarily be too speculative and uncertain to merit further analysis.

Additionally, RESP implementation would not involve the development of any new roadways, water systems, or sewer; thus, the projects would not further facilitate additional development. Therefore, infrastructure improvements to serve each of the projects approved in association with the RESP are limited and would not be available to serve surrounding areas. In fact, Tier 1 solar electric facilities (SEF) and wind energy conversion systems (WECS) projects would be located on existing developed land uses zoned for development, and Tier 2 and Tier 3 SEF projects would be located in urban areas (vacant or non-vacant) on land uses designated as Commercial (CS) or Industrial (IND). While this document has considered that SEF and WECS projects might foster regional growth, the particular growth that could be attributed to these projects is unpredictable, given the multitude of variables at play, including uncertainty about the nature, extent, and location of growth and the effect of other contributors to growth besides the RESP. However, despite these uncertainties, the RESP is not considered to be growth-inducing since the overall goal of the program helps to achieve the County's renewable energy goals that implement statewide energy goals.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than cumulatively considerable impacts related to growth inducement.

10.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2), a part of CEQA, requires that certain EIRs include a discussion of significant irreversible environmental changes of project implementation. State CEQA Guidelines Section 15126.2(c) describes irreversible environmental changes as follows:

> *Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.*

Nonrenewable Resources

Energy resources needed for the construction of projects associated with RESP implementation would contribute to the incremental depletion of nonrenewable resources. Nonrenewable resources such as steel, copper, lead and other metals, gravel, concrete, and other materials are typically considered finite and would not be replenished over the lifetime of each of the projects associated with implementation of the Program. Thus, implementation of the RESP would irretrievably commit resources over the anticipated life span of the projects associated with the program. However, during decommissioning, some of these resources (i.e., steel, concrete, etc.) can be recycled or reclaimed for other uses and as such, would be renewable to a certain degree.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than cumulatively considerable impacts related to irreversible environmental changes.

10.3 ENERGY USE

In order to ensure that energy implications are considered in project decisions, CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy (see Public Resources Code Section 21100(b)(3)). According to Appendix F of the State CEQA Guidelines, the goal of conserving energy implies the wise and efficient use of energy including:

1. **Decreasing overall per capita energy consumption** by creating afforded streamline permitting for renewable energy projects.

2. **Decreasing reliance on natural gas and oil** by increasing the production of renewable energy from small- and commercial-scale energy installations to account for 10 percent of total local energy by 2020.

3. **Increasing reliance on renewable energy sources** by providing a clear process and expectations for renewable energy projects in suitable locations that minimize environmental impacts.

Implementation of the RESP would help achieve these goals because it would develop a renewable source of power, helping to offset the use of nonrenewable resources and contribute to an overall reduction of nonrenewable resources currently used to generate electricity. In addition, Draft EIR Section 3.7, Greenhouse Gases and Climate Change, describes effects on climate change and greenhouse gas emissions that would be caused by implementation of the RESP, including a discussion on the effects of the projects on energy resources.

Findings: The County finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed Program will result in less than cumulatively considerable impacts related to energy use.

11.0 FINDINGS ON CHANGES TO THE EIR AND RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes

(i) significant changes to the project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further provides that "new information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

Chapter 3.0 of the Final EIR includes the a complete listing of all changes made to the RESP and the Draft EIR. The following is summary listing of corrections and clarifications made to the RESP and to the Draft EIR:

- Updates to clarify the role of the Agriculture Department and the Agricultural Preserve Review Committee in the review of RE projects.
- Update to specify allowance of RE projects on lands subject to Land Conservation Act contract, provided the property meets and maintains the current eligibility criteria in the Rules of Procedure, the project area does not exceed 10 percent of total acreage, and the project is no more than 10 acres in site area.
- Clarification to confirm the referral process for RE projects in the Camp Roberts Study Area and the maximum allowable height of WECS in the Camp Roberts Influence Areas.
- Updates to definitions for accessory REFs for consistency with current review and permitting, including an increase to the maximum size for accessory renewable energy-generating facilities from 0.5 acres to 3 acres.
- Confirmation that SEFs less than 20 acres in RSF, RMF, and RS zones will be subject to a minor use permit.
- Clarification that RE projects are not allowed in the Airport Review Combining Designation, except for accessory REFs.
- Clarification that Tier 1 SEF standards are the same within and outside of the Renewable Energy Combining Designation.
- Edits to criteria for accessory renewable energy-generating facilities to allow rooftop SEFs as accessory and to exclude rooftop WECS.
- Clarification to land uses considered accessory energy-generating facilities as defined in Article 8.
- Clarification of biological report requirements in the permit process for energy-generating facilities in Section 22.32.040.
- Corrections to references to the Land Use and Circulation Element and to sections of Title 22.
- Miscellaneous minor grammatical corrections and formatting corrections.

No new or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes changes, clarifications, or additions to the Draft EIR in order to help clarify the project and its impacts in response to public or agency comments. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the EIR is not required.

12.0 FINDINGS ON MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Pursuant to CEQA and CEQA Guidelines Sections 15091(d) and 15097, the lead agency for a proposed project must adopt a program for monitoring or reporting mitigation measures identified in the EIR, if the lead agency makes findings of significant impacts during the process of certifying the EIR. The primary purpose of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the mitigation measures identified in the EIR are implemented, thereby reducing or avoiding identified environmental impacts.

MITIGATION MONITORING AND REPORTING PROGRAM

The purpose of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure the effective implementation of the mitigation measures imposed by the County for the proposed Program. In addition, the MMRP provides a means of identifying corrective actions, if necessary, before irreversible environmental damage occurs.

Due to the unique nature of the proposed Program, no mitigation measures were identified in the Draft EIR, and thus there is no MMRP. The County took an iterative approach to development of the performance standards included in the RESP. As each section of the code was completed, environmental analysis was conducted and then changes were made to the code to reduce or eliminate impacts that were identified. In essence, this program analysis and feedback loop constituted a comprehensive mitigation program where the proposed RESP was analyzed then revised to avoid or "mitigate" environmental impacts. The result is a "self-mitigating" program. Projects proposed under the program that cannot be fully mitigated per the criteria contained in the proposed Program would be required to complete a discretionary review process and comply with CEQA (and any project-specific mitigation measures and MMRP). This self-mitigating aspect is why there are no mitigation measures in the EIR. Any action that would be considered a mitigation measure for the Program is included as a performance standard.

While the RESP was under continual refinement, not all of the potential environmental impacts could be reduced to less than significant levels because mitigation measures were not available or appropriate for these impacts (see Sections 7.0 and 12.0 of these Findings for further details on these impacts and the infeasibility of mitigation measures).

13.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The Draft EIR includes thresholds of significance that are used to establish normally acceptable standards for County projects. In most instances, the proposed Program meets the standards without the need for modification. In three instances, the County finds that it is not feasible to reduce impacts to a level below the normally accepted thresholds, because to do so would defeat the primary objectives of the proposed Program. The CEQA Guidelines allow the County to approve the proposed Program with significant and unavoidable impacts, provided specific findings are made.

As such, pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the County of San Luis Obispo has balanced the benefits of the proposed program against the following unavoidable adverse impacts relating to aesthetics and visual resources, agricultural resources, and land use and planning. The County has also examined alternatives to the proposed Program, none of which meets both the project objectives and is preferable to the proposed RESP.

The County has balanced the proposed Program's benefits against its significant and unavoidable impacts. The County finds that the proposed Program's benefits outweigh the RESP's significant and unavoidable impacts; those impacts therefore are considered acceptable in light of the proposed Program's benefits. The County finds that each of the following benefits is an overriding consideration that warrants approval of the proposed Program, notwithstanding the proposed Program's significant and unavoidable impacts. The benefits of the proposed Program include the following:

- Create a Renewable Energy (RE) Combining Designation that identifies locations where certain renewable solar electric facilities will qualify for permit streamlining if they meet specified standards and conditions for project size, site characteristics, and environmental protections.
- Revise the Land Use Ordinance to foster permit streamlining for other specified types of renewable energy facilities throughout the non-Coastal Zone portions of the unincorporated county (both within and outside of the RE Combining Designation).
- Support achievement of the County's goal to increase the production of renewable energy from small- and commercial-scale energy installations to account for 10 percent of total local energy by 2020 as presented in the County EnergyWise Plan.
- Provide a clear process and expectations for renewable energy projects in suitable locations that minimize environmental impacts.

CONCLUSION

CEQA requires the County to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the proposed RESP against its significant and unavoidable environmental risks when determining whether to approve the proposed Program. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the proposed RESP outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" and the proposed Program approved.

In addition to the CEQA requirement, the San Luis Obispo County Conservation and Open Space Element (COSE) also strives to conserve and protect important natural resources while balancing the needs of the natural and built environments. Two of the four essential priority actions require a reduction of greenhouse gas emissions and an increased use of renewable energy. This Program specifically addresses these priorities while at the same time requiring avoidance of sensitive resources.

The County of San Luis Obispo would adopt a Program that would provide a clear process and expectations for renewable energy projects in suitable locations. In order to achieve this, a Renewable Energy (RE) Combining Designation would be created. This would identify locations where certain renewable solar electric facilities will qualify for permit streamlining if they meet specific standards and conditions. Additionally, the Land Use Ordinance would be revised to foster permit streamlining for other specific types of renewable energy facilities throughout the non-Coastal Zone portions of the unincorporated county (both within and outside of the RE Combining Designation).

The end result is that the Program seeks to achieve the County's goal to increase the production of renewable energy from small- and commercial-scale energy installations to account for 10 percent of total local energy by 2020. Additionally, although significant and unavoidable

impacts have been identified for aesthetics and visual resources, agricultural resources, and land use and planning, because site-specific project details are unknown at this time, impacts disclosed may be conservative in nature and, in practice, would result in impacts that are significantly less than what was analyzed in the EIR.

The distributed generation of energy for local use will reduce the need to import energy from outside of the region that may be generated by methods which generate greenhouse gas. Larger projects resulting from the Program will reduce or delay the need to construct new power plants locally or the need to develop new transmission lines to serve the county.

As many of the projects will be small and distributed throughout a large area of the county, local contractors would be expected to install, manage, and maintain the SEF and WECS equipment. This will create work for existing local businesses and may create the potential for additional jobs in the growing renewable energy industry. Once more of the projects are developed, San Luis Obispo County will emerge as a leader in the renewable energy field, creating opportunity not only for the installation but for the manufacturing of equipment designed to meet local renewable energy needs.

The County has already had some success with the installation of renewable energy projects for local farms. Adoption of the Program will lessen the regulatory burden faced by agricultural uses for the installation of renewable energy equipment. By making it easier to install and use this equipment, the Program will help reduce energy costs, thereby supporting the existing agricultural use and discouraging the irreversible conversion of agricultural land to nonagricultural uses.

After balancing the specific economic, legal, social, technological, and other benefits of the proposed Program, the County has determined that the identified significant and unavoidable impacts are considered acceptable due to the specific considerations listed above that outweigh them. Accordingly, the County adopts the Statement of Overriding Considerations, recognizing that significant and unavoidable impacts would result from implementation of the proposed RESP.

Having (1) adopted all feasible mitigation measures, (2) rejected alternatives to the proposed Program, and (3) recognized all unavoidable significant impacts, the County hereby finds that each of the separate benefits of the proposed RESP, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the proposed Program and outweighs and overrides its significant and unavoidable impacts, and thereby justifies the approval of the Renewable Energy Streamlining Program.